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HANSARD'S

PARLIAMENTARY DEBATES:

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

17° VICTORIÆ, 1854.

VOL. CXXXIII.

COMPRISING THE PERIOD FROM

THE NINTH DAY OF MAY

TO

THE TWELFTH DAY OF JUNE, 1854.

Fourth Volume of the Session.

LONDON:
PUBLISHED BY CORNELIUS BUCK,
AT THE OFFICE FOR HANSARD'S PARLIAMENTARY DEBATES,
32, PATERNOSTER ROW;
AND BY
LONGMAN AND CO.; C. DOLMAN; J. RODWELL; J. BOOTH; HATCHARD AND SON;
J. RIDGWAY; J. BIGG AND SON; J. BAIN; ALLEN AND CO.; J. M. RICHARDSON;
P. RICHARDSON; R. BALDWIN; AND J. DALTON.
1854.

LONDON:
WOODFALL AND KINDER, PRINTERS,
ANGEL COURT, SKINNER STREET.

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THURSDAY, May 25.
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HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

Second Session of the *Sixteenth Parliament* of
the United Kingdom of *Great Britain* and *Ireland*,
appointed to meet 20 August, 1852, and from thence
continued till 31 January, 1854, in the Seventeenth Year
of the Reign of

HER MAJESTY QUEEN VICTORIA.

FOURTH VOLUME OF THE SESSION.

HOUSE OF LORDS,

Tuesday, May 9, 1854.

MINUTES.] PUBLIC BILLS.—1ª Boundary Survey (Ireland); Exchequer Bills (£16,024,100.)
2ª Unauthorised Negotiations.
Reported.—Church Building Acts Continuance.

EDUCATION (SCOTLAND) BILL.

LORD BROUGHAM *presented* a petition from a place in Scotland, on a very important subject. Although the Bill to which it had reference—the Scotch Education Bill—was not before their Lordships, but was still before the other House of Parliament, he was most strictly within the rule in presenting it, because it had no prayer except generally for a safe and beneficial measure upon that subject. The petitioners referred to the Government plan for improving the system of education in Scotland, and strongly recommended and approved of that plan in its main particulars; though they objected particularly to the provision respecting religious instruction, and prayed their Lordships to adopt a system of education which should be uniform, unsectarian, and popular. The measure of the Lord Advocate had of course received the sanction of Government, and was about to undergo discussion in the other House of Parliament. It had occasioned very great discussion in Scotland, and he was aware of the opposition to it that had taken place at a meeting of the inhabitants of the county of Edinburgh, which was attended by one of his oldest and most valued friends, Lord Dunfermline. That noble and learned Lord expressed a very strong opinion against this measure, and it was also the opinion of the very great majority of the meeting; but it would be most unjust to say either that his noble and learned Friend, who thus objected to a part of this particular measure, or that the meeting, which by a large majority joined in his objection, was not most zealous in heart for the improvement of education. That most excellent and learned individual —the weight of whose opinion could not be denied, not only on account of the high station he for many years occupied as head of the other House of Parliament, but also from his inestimable personal qualities—joined with the others in the apprehension that this measure, if carried into effect, might interfere with the old-established system of parochial schools in Scotland. He (Lord Brougham) could not pretend to the same information on the subject that was possessed by his noble and learned Friend or to the information possessed by his noble Friend opposite (the Earl of Aberdeen), who belonged to that country; but he was inclined to think, so far as he had an opportunity of forming an opinion upon the plan about to be introduced, that it would not interfere with the parochial schools in Scotland, and that the parochial system, which, beyond all doubt, was of the utmost possible benefit, and had produced incalculable advantages to the people of Scotland, was more serviceable to the country districts than to the towns, and that, if increased means of education were given to the towns, the result would be beneficial. He could not help adverting to what he had so often occasion to lament, that the cause of education should have suffered so much, and should still suffer so much, from the conflicting feelings—he would venture to say, rather than conflicting interests—as well in England and Ireland as in Scotland, of the different sects which unhappily divide the people of all the three countries. How often had he failed, both in the other House of Parliament and in their Lordships' House, in the measures which he had propounded, which had received the greatest possible consideration, which had appeared to unite in their favour all interests, whether secular or spiritual, and which, nevertheless, were found impossible to be carried in Parliament, and to become law; because, on the one hand, the Established Church, though deeply interested in the duty of instructing the people, and strongly disposed, nay, actually contributing to encourage plans for improving popular education, seemed to regard one thing more than even teaching the people, and that was the power of successfully conflicting with the Dissenters; and, on the other hand, though the Dissenters had been among the most zealous advocates of education during the last fifty years, and had made great sacrifices for the encouragement of popular instruction, there was one thing they valued a little more than popular education, and that was a victory over the Established Church. Thus, between the two contending parties, education oftentimes fell to the ground. After the most mature consideration of his first measure, that of 1820, in all its details, after considering it with various bodies of those Dissenters themselves, and when he thought he had come to a full understanding with them, and that the measure might be carried, he was compelled to withdraw it out of deference to their objections, and from his sincere respect for them as fellow-labourers of many years in the cause of education, though he considered they were actuated by the most groundless jealousy. Years elapsed, and he again brought forward a measure on the subject, and then he had to meet, not the prejudices of the Dissenters, but the prejudices of a most rev. Friend (the Archbishop of Canterbury). On that occasion, which was in the year 1839, Lord Melbourne's Government supported his Bill; but a right rev. Prelate, who had a few days before voted with him and with the Government against the Archbishop, was the first to move that it should be read a second time that day three months; and he defeated the Government as well as himself (Lord Brougham) on that Bill. Then he found it was utterly and absolutely impossible to carry any educational measure without a compromise, and he addressed a letter to his most dear and inestimable Friend, unhappily now no more, the late Duke of Bedford, in concert with whom he had brought forward that Bill, and who plainly admitted after the result that without a compromise it was utterly impossible they could succeed in carrying any plan of education, and that the plan should be such as might, if possible, unite in its support the Church and the Dissenters. He hoped and trusted they were now on the eve of obtaining some such measure; and, thinking that the Bill now before the other House, so far as Scotland was concerned, was founded upon some such salutary compromise, he should endeavour to recommend the adoption of it, when it found its way into that House. There was one point in the petition which gave him great satisfaction, and that was, that the petitioners stated that they rejoiced in the proposal to establish reformatory and industrial schools, a most wise and salutary provision. It would be a most blessed measure if that Bill should be carried with such a provision, and such provision extended also to this country and to Ireland; and from what had passed elsewhere, he had reason to hope that an hon. Friend of his (Mr. Adderley), having propounded a Bill of that kind and with that view, would permit it to be superseded, provided a substitute for it were given, a measure of the same sort to be introduced by his noble Friend the Secretary of State for the Home Department. He should take an opportunity of referring to this matter on a future occasion; it seemed to him to be an object of the greatest possible importance, and he could bear his testimony to the admirable working of an institution of the kind to which he had referred, which he had lately inspected while on a tour in France, and which was worthy of the highest commendation. He referred to the great institution at Mettray founded by Viscount Corbillieux and M. Demetz, upon the plan first adopted at Stretton upon Dunsmure in Warwickshire, which unhappily, after many years of successful action and rendering incalculable benefits to society, has within the last two months been given up for want of funds.

Petition ordered to lie on the table.

UNAUTHORISED NEGOTIATIONS BILL.

Order of the Day for the Second Reading read.

LORD CAMPBELL, in moving the second reading of this Bill, said, that he was well aware of the responsibility he incurred by laying this Bill on the table of their Lordships' House, inasmuch as it sought to extend the penal law of the country. He hoped that the Bill would operate only by way of prevention, and that, after it had passed into law, what it sought to remedy would have ceased to exist. At the same time he proposed to establish a new misdemeanor, which, although liable only to a mild punishment, could not be proposed without casting upon the person who proposed it the burden of proving that it would not interfere with any natural or constitutional right, and that some evil had been experienced, or might be apprehended, which rendered legislation necessary. He believed that he should be able to show to their Lordships that the Bill now before them did not interfere with any natural or constitutional right, and that it was called for by evils which had been experienced, and by greater evils which might be apprehended. There could, he presumed, be no doubt that the law of nations was correctly laid down in the preamble of the Bill; there could be no doubt that, by the law of nations, intercourse between States could only be legitimately carried on by the Governments of those States, or by Ministers or officials duly authorised to carry on negotiations. It would be pedantry in him to quote authorities upon this subject; but he could, by quotations from *Grotius* down to the present time, show their Lordships that every jurist had either assumed the doctrine, or had expressly laid it down for law. He should content himself with referring their Lordships to an authority which they would all reverence—he meant Edmund Burke—an Englishman, or he was perhaps wrong in saying Englishman, because he was one of the glories of Ireland. Mr. Burke, in his celebrated letter to the Duke of Portland, published in 1793, used this language:—"The laws and constitution of the kingdom intrust the sole and exclusive right of communicating with foreign potentates to the King. This is an undisputed part of the legal perogative of the Crown." Then Mr. Burke designated an unauthorised interference with a foreign Government "a most unconstitutional act," and added—

> "The legitimate and sure mode of communication between this nation and foreign Powers is rendered uncertain, precarious, and treacherous, by being divided into two channels, by which means the foreign Powers can never be assured of the real authority or validity of any public transaction whatsoever."

He then pointed out that such unauthorised communications "make a highway in England for the intrigues of foreign Courts in our affairs;" and concluded with these emphatic words—

> "This is a sore evil, an evil from which, before this time, England was more free than any other nation. Nothing can preserve us from that evil, which connects Cabinet factions abroad with popular factions here, but the keeping sacred the Crown as the only channel of communication with every other nation."

Now, the facts upon which Mr. Burke based these observations were, he believed, not actually existing; but the authority of that statesman's name upon the abstract question of law was equally great, this being the doctrine he laid down upon the supposition that the state of things which he apprehended really did exist. There could be no doubt that even with those who had no evil intention—even with the loyal, the patriotic, and the intelligent—evil might arise from unauthorised communications with foreign Powers. They might thwart unconsciously the measures of their own Government; they might lay themselves open to mistification and cajolery on the part of those with whom they interfered; and they might be made the tools of foreign Powers in spreading in this country doctrines and opinions that were unfavourable to the

Government which then existed. Now, could not their Lordships suppose, if such evils might arise from the unauthorised interference of those who were loyal and well-intentioned, what might not be apprehended from those who were disloyal, disaffected, and factious? They might in this way seek to thwart the measures of the Government of their native country; they might be the instrument of bringing about a war, and of sowing dissension, discord, and disaffection at home. Upon this subject, although the law of nations was such as he had described, our municipal law was defective, and it was in order to cure this defect that he ventured to propose the present Bill. For any offence committed within the realm the existing municipal law was sufficient to punish. For instance, if there were a conspiracy in the county of Middlesex for inviting the wrongful interference of a foreign nation, even although we might not happen to be at war with that nation, no doubt our courts would have jurisdiction, and the offender might be punished. But for what was done abroad you have no remedy by the common law of England. There must be a grand jury in each county, and that grand jury is to find each indictment, which indictment can only relate to what is done within the body of the county. It followed that those who combined to thwart the measures of the Government, or to do in connection with any foreign Government what would be detrimental to the interests of their own country, would escape punishment, unless it could be proved that the plan originated in England, and unless you could show an overt act committed in England. Although it could have been proved that at the bar of the National Convention in France an address was presented of a most seditious nature, calling upon the French nation to take part against England, you could not, by the simple proof of that fact, award punishment. With regard to high treason and murder, this defect had been remedied, and wherever they were committed, in whatever part of the globe, these crimes might be inquired into and punished in the county of Middlesex. With regard, however, to every crime which ranged within the term of misdemeanor, the defect remained unremedied. This being the case, he would draw their Lordships' attention to what had been done by our brethren in America. The first settlers there had carried along with them to the regions beyond the Atlantic the common law of England, and they had in various instances given us an example of improvements effected in that law which we should do well to follow. He must say that in jurisprudence the Americans had gained an ascendancy over us which should not, indeed, excite our envy, but which should prompt our emulation. Now, what course had been taken upon this subject in America—and taken, be it remembered, in no way contrary to the natural or constitutional rights of American citizens? It was felt in America that very considerable inconvenience was experienced from the interference by American citizens with foreign Governments. That had been felt for some years, and there was a particular instance of it in the case of a certain Dr. Logan, who had been in communication with the French Convention with respect to matters pending between the Governments of America and France. A measure was accordingly proposed by two of the greatest statesmen and greatest patriots that had ever adorned any country—Adams and Jefferson. In 1799 John Adams was President of the United States, and Thomas Jefferson Vice President, and under their auspices a Bill was introduced into Congress, which, with their Lordships' permission, he would now read. It was short, but it was cogent, and he must allow that he was not aware of the existence of this piece of American legislation when he had framed the present Bill. The American Bill was more stringent than his, and provided a severer punishment. These were the words of it—

> "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that if any person, being a citizen of the United States, whether he be actually resident or abiding within the United States or in any foreign country, shall, without the permission or authority of the Government of the United States, directly, or indirectly, commence or carry on any verbal or written correspondence or intercourse with any foreign Government, or any officer or agent thereof, with an intent to influence the measures or conduct of any foreign Government, or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the Government of the United States; or if any person, being a citizen of, or resident within the United States, and not duly authorised, shall counsel, advise, aid, or assist in any such correspondence, with intent as aforesaid, he or they shall be deemed guilty of a high misdemeanor, and, upon conviction before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding 5,000 dollars, and by imprisonment during a term of

not less than six months, nor exceeding three years."

Then follows this proviso—

> "Provided always, that nothing in this Act contained shall be construed to abridge the right of individual citizens of the United States to apply, by themselves or their lawful agents, to any foreign Government, or the agents thereof, for the redress of any injuries in relation to person or property, which such individuals may have sustained from such Government, or any of its agents, citizens, or subjects."

This Bill was introduced into the House of Representatives in America, where it was at first strongly opposed; but after many discussions it passed by a majority of 58 to 36. It then went up to the Senate, where—he might say so without offence to the House of Representatives—there was more calmness, more statesman-like knowledge, and where, as his noble and learned Friend (Lord Brougham) reminded him, they had the foreign policy of the country directly under their cognisance. In the Senate this Act was carried by a majority of 18 to 2. There were only two dissentients, and it received the assent of the President, and became law on the 30th of January, 1799. He (Lord Campbell) was informed that the Bill had worked most beneficially in America, and his information came from undoubted authority—from Mr. Buchanan, the present Minister of the United States here—one of the illustrious line of jurists and statesmen who had adorned the United States. The law had not become a dead letter, although it had never been acted upon by way of prosecution, for Mr. Buchanan stated that there had not been one single prosecution instituted for the infraction of the law, and it had been thoroughly observed by the citizens of the United States. This then, he thought, was a high example, to which great weight ought to be attached. But he allowed that the existence of such a law as this in America would not form sufficient grounds for the interference of Parliament if no inconvenience had been felt, and none was to be apprehended, from the want of such law in England. He should be able to show, however, that the most serious inconvenience had been suffered, and that great inconvenience might be apprehended if Parliament did not interfere in this matter. He would not deny that what was supposed to have taken place in 1791, when there was a dispute between the Empress Catherine and the English Government, did not really happen. Sir Robert Adair, now in his 92nd year, but retaining in full vigour the great talents that he had displayed in early life, and who was a man of the most unsullied character, had declared—and he (Lord Campbell) most implicitly believed him—that what Mr. Burke had imagined respecting his mission to Russia never took place—that he (Sir Robert Adair) was at St. Petersburg during that dispute, but merely as a traveller, improving his mind and acquiring that knowledge which afterwards made him a most accomplished diplomatist and enabled him to render most essential services to his country. He (Lord Campbell) believed, therefore, that in point of fact what Mr. Burke suspected was entirely without foundation. At that time, however, their Lordships would recollect that the Empress Catherine was pursuing her conquests against the Turks. She was striving to make progress in that long-cherished Russian plan of subjugating Turkey and of getting possession of Constantinople and the Dardanelles. Mr. Pitt, at that time Prime Minister, wished to check her ambition. Now, those who in Parliament disapproved of his policy were believed to have sent a deputation to the Empress Catherine, to recommend her to proceed in her course, and to represent that a great part of the English nation sympathised with her. Now, if this had been really done, it was impossible to tell the mischief that might have ensued; and he (Lord Campbell) was at a loss to see what would have been the remedy. The parties might, indeed, have been impeached; but after the experience of that process in the case of Warren Hastings, impeachment was a thing very well to talk of, but certainly no practical remedy for a serious evil of this kind; and he knew of no proceedings before a jury by which punishment could be inflicted for such conduct. He believed that, on the part of the Opposition of that day, there were no grounds for saying that any such deputation had been sent. But just about that time there could be no doubt that a very improper intercourse did take place between English subjects and foreign Powers. When the French Revolution was in progress, and the Convention had become the supreme power of the State, there were various bodies of men in England who wished to imitate the example which had been set in France, who wished to upset our happy limited monarchy, and to establish a republic instead. There were various addresses from such sections of English subjects delivered *vivâ voce* at the bar of the Convention, calling upon the French nation to go to war with their neighbours (who were then in amity with us) and to assist them in bringing about a revolution in this country. He could only give their Lordships a single example of these addresses in the form of an address from the London Constitutional Society, presented in the year 1792. It was addressed "To the National Convention in France, Servants of a Sovereign People and Benefactors of Mankind;" and was presented at the bar of the Convention by two deputies —Mr. Frost and Mr. Barlow—both of them British subjects. It was couched in these words:—

> "We rejoice that your Revolution has arrived at that point of perfection which will permit us to address you by this title; it is the only one that can accord with the character of true legislators. Every successive epoch in your affairs has added something to the triumphs of liberty, and the glorious victory of the 10th of August has finally prepared the way for a Constitution which we trust you will establish on the basis of reason and nature. The events of every day are proving that your cause is cherished by the people in all your continental vicinity; that a majority of each of those nations are your real friends, whose Governments have tutored them into apparent foes, and that they only wait to be delivered by your arms from the dreaded necessity of fighting against them. Our Government has still the power, and perhaps the inclination, to employ hirelings to contradict us; but it is our real opinion that we now speak the sentiments of a great majority of the English nation. The people here are wearied with imposture and worn out with war. Go on, Legislators, in the work of human happiness. The benefits will in part be ours, but the glory shall be all your own. In this career of improvement your example will soon be followed; for nations, rising from their lethargy, will reclaim the rights of man with a voice which man cannot resist."

This was a specimen of the address delivered by English deputations at that time, and we had no law to punish or prevent such proceedings; for when Frost and his companion returned, it would have been no evidence against them to show that they had presented such a document to the Convention. This address incited the French to make war against our allies; it sought to encourage the French Assembly to assist the English nation to change their form of Government; and it held up the standard of universal revolution. Soon after this, war was declared between the two countries, and then the Treason and Sedition Bills were brought in. These Bills, while the war existed, of course effectually prevented any such unauthorised communications; but when, in 1815, the war was at an end, the law remained in its original defective state. On account of the tranquillity which prevailed for a number of years, the evil was little felt; but in the great revolutionary year of 1848 much inconvenience was again the result. Their Lordships would remember—his noble Friend then Lord Lieutenant of Ireland (the Earl of Clarendon) would certainly remember—the revolutionary attempts which characterised that year. In Ireland a plan was formed for dissolving the connection between that country and Great Britain, and for forming Ireland into an independent republic; and, when a republic was established in France, there went a deputation from Ireland, headed by Mr. Smith O'Brien, to the members of the Provisional Government, who then represented the Government of France. He held in his hand the address which had been presented to the ruling powers at Paris by Mr. Smith O'Brien, and which ran thus:—

> "We salute you as arbiters of the future destinies of the human race, as the liberators of enslaved nations. We, from whom nationality has been wrested by the most infamous means—we, who ever feel the evils arising from this inexpressible wrong—we, the people of Ireland, demand your sympathy. Ireland has declared that once more she shall be free and independent. Be ever ready to succour the oppressed. Make France the centre, not only of civilisation and of the arts, but also of universal liberty."

Deputations from Liverpool and other towns in England delivered similar addresses; some of them more violent. M. Lamartine, on that occasion, acted with the greatest reserve, and skilfully evaded the request, but it was an application that France should interfere by armed force, and assist Ireland in establishing an independent republic. On returning from Paris, Mr. Smith O'Brien appeared in his place in the House of Commons as though he had done nothing of which he need be ashamed, and the law was quite powerless to reach him. But he was denounced by his (Lord Campbell's) beloved and respected Friend Sir George Grey, then Home Secretary, in a speech which would not, from its force and ability, be forgotten by those who had either heard or read it; but was it right that a person who had delivered such an address to a foreign Government should be allowed to walk about our streets with impunity? The next case of undue interposition on the part of individuals with foreign Governments was that address with which an ex-Lord Mayor of London had waited upon

Louis Napoleon. That address had been discussed in the House before, and he would not now dwell upon it. He (Lord Campbell) did not disapprove of the sentiments embodied in the address which Sir James Duke had so presented, in the name, as he stated, of the people of England, and expressive of their opinions, and of their hearty desire for the maintenance of peace, of an *entente cordiale* with France; but still he thought the course which had been taken by the Lord Mayor on that occasion, under the circumstances, and in that mode, was an example of dangerous precedent, and which it was highly desirable should not recur. If, however, it was desirable that the chief magistrate of the British metropolis should present such an address, let the Secretary of State for Foreign Affairs append two or three lines to it, if its terms were unobjectionable, and then the provisions of his (Lord Campbell's) Bill would be satisfied. The last violation that had occurred of the law of nations in this very important respect was the deputation of Quakers who went to pay their homage to the Czar Nicholas. He entertained a profound and sincere respect for the body to which that deputation belonged, and he fully believed that the individuals composing the deputation were men of the highest respectability and strictest loyalty, and were animated by the most innocent and laudable motives; but, admitting this, their Lordships could none the more approve of the course which had been taken by these persons; and it must be well considered that, great as were the inconveniences, the impropriety, the danger of this proceeding on the part of innocent and well-inclined men, inconvenience and danger still greater and more alarming were to be anticipated if such proceedings, passing unnoticed and unguarded against for the future, were to be imitated by men of evil purpose. It so happened that the Czar Nicholas was pursuing measures which the Government of this country thought it indispensable to resist—to resist, if necessary, with the utmost exertion of our power. The horrible massacre at Sinope had already taken place, when three individuals, as a deputation from the whole body of the Quakers of England, set off to St. Petersburg with a view to present to the Emperor Nicholas of All the Russias an address which began in these terms:—

> "To Nicholas, Emperor of All the Russias,—May it please the Emperor! We, the undersigned members of a meeting, representing the religious Society of Friends, commonly called Quakers, in Great Britain, venture to approach the Imperial presence," &c.

With such profound respect did they treat the Autocrat, with such 'bated breath did they come into his presence. Then, how did the address proceed? The account he should give of the matter was from an authentic narrative, which had been signed by themselves, and not from any of those invidious descriptions which told how the Emperor, raising the broad-brimmed hats of his admirers, lauded them, and said he would introduce them throughout his dominions. First, let him give their account of what they did when they reached their destination:—

> "On their arrival at St. Petersburg they addressed themselves to Count Nesselrode, Chancellor of the Empire. They sent him a note, requesting an interview, stating that they had not deemed it advisable to apply to their own Minister, and they preferred applying to Count Nesselrode, for the purpose of securing his assistance in the presentation of the address to the Emperor. The Count sent a private secretary to them to fix an hour for receiving them. They had an interview with Count Nesselrode, and met with a very cordial reception. He said that both himself and the Emperor (*ego et Rex meus*) approved of their sentiments."

Then came the interview, as recorded in the protocol, signed by the three deputies—Mr. Sturge, Mr. Pease, and Mr. Charlton. The address having been delivered in due form and with infinite respect, the Emperor said:—

> "I wish to offer some explanations of my views as to the causes of the present unhappy differences. I have myself acted as my predecessors have done, and the Treaty of Adrianople, in 1849, was as explicit as the former ones in this respect. Turkey recognised the right of religious interference, and fulfilled all her engagements until within the last year or two, when, for the first time, she gave me reason to complain. I will not now advert to those who were her principal instigators on that occasion"—a dig, doubtless, at our representative at Constantinople. "Suffice it to say, that it became my duty to interfere, and to claim from Turkey the fulfilment of her engagements. I have every reason to believe that matters would soon have been settled if Turkey had not been induced by other persons"—a glance at our Foreign Secretary—"to believe that I had ulterior objects in view; that I was aiming at conquest, aggrandisement, and the ruin of Turkey. I have solemnly disclaimed, and do now solemnly disclaim, every such motive. What on my part was prudent foresight has been unfairly construed in your country into a designing policy and an ambitious desire of conquest. I will not attack, and shall only act in self-defence. I have a duty to perform as a Sovereign."

The address having been delivered, the deputation did not attempt to recommend that the Czar should yield to the remonstrances of England, but urged arbitration. Next, to carry on the cajolery and mystification thus commenced, the Czar said that the Empress desired to see them, and they were introduced to the Empress and the Grand Duchess Olga. It was quite clear that in the interview with the deputation, the Czar had endeavoured, and successfully, to impress on them that he was a much-injured, extremely moderate, perfectly unambitious, and abominably calumniated person; that he had no evil intentions whatever; that he was a man of peace, like themselves; and, on this authority, he requested they would give him that character in England on their return. The proposition exactly reminded him of a request which had been made to a near relative of his own, now no more, a Member of their Lordships' House, who was once sent for by a fashionable lady against whom certain rumours were afloat not quite consistent with her conjugal fidelity, the purpose of her summons being to request his relative to contradict all such rumours on her authority. "If there were any truth in them," said she, "I certainly must know it, and I therefore desire you will contradict them on my authority." In the same way, the Czar Nicholas, having informed the three Friends, on his own authority, that he was a particularly moderate and unambitious and very ill-used man, desired them to contradict all rumours against him to the contrary, and, accordingly, returning home, they did so, taking infinite pains to publish far and wide among us the particularly authoritative account of himself which the Czar had so successfully impressed upon their simple minds. He held in his hand the account which Mr. Pease had rendered of his mission to a public meeting in the north of England, from which he would read these extracts:—

> "There was nothing unreasonable or anything to ridicule in a body of men who had been in existence for 200 years, and whose number averaged 20,000, sending three of their number to endeavour to bring about a pacific settlement of the disputes. . . While in St. Petersburg the terrible slaughter of Sinope was performed at the theatres every night. . . . He was exceedingly grieved and humbled at the course which the press in England had pursued, resorting to abuse and calumny against the Czar. . . . The impressions conveyed by the press were erroneous and unfounded as regarded the Emperor. . . From what he saw of the Emperor he was convinced that the estimation in which he was held at St. Petersburg was correct."

His noble Friend (the Earl of Clarendon) had failed in bringing about a pacific settlement; but these three Quaker gentlemen thought they could do better. They stated that while they were in St. Petersburg the terrible slaughter of Sinope was represented in the theatres every night. It would be rather curious to know how these men of peaceful disposition had reconciled themselves to the "representation at all the theatres every night of the terrible slaughter of Sinope," or how they had reconciled the reception of that terrible slaughter by the Czar with that eminent kindliness of heart for which they eulogised him. This lecture of Mr. Pease was printed and largely circulated for the purpose of exhibiting the Czar in a favourable light to the people of England, and of making out a case that the war in which we were embarked against him was a war which he had not provoked, and which was in itself quite unjustifiable, or, practically, to set the people against the war, and to impede its successful prosecution. If consequences of such injurious tendency upon the public service should follow from the proceedings of innocent and well-disposed men, what might not be anticipated from the attempts of men of different principles and purposes, if they might visit foreign Sovereigns whenever they took it into their heads to do so? Supposing there were men in this country—and there were, he believed, a few—who believed that "the sick man" had better be knocked on the head, and his spoils divided among two or three favoured Potentates—the Czar, for example, being placed in possession of Constantinople and the Dardanelles—and supposing a deputation from such a faction to wait upon the Czar, and as Englishmen to urge him to resist our Government, and to persist in his designs of aggrandisement, who should say what amount of mischief might not be occasioned by such a course? He therefore thought that the Legislature ought to interfere, not to punish, but to prevent the future occurrence of such deputations, and he had accordingly introduced this Bill to accomplish that object. The Bill contemplated no interference with private interviews between individuals, as such, and foreign Governments—no interference with legitimate private enterprise; it only sought to prevent the interference of unauthorised British subjects on national affairs with foreign Governments. He desired to go no further than this—but so far he hoped their Lordships would consent to go. What were the objections to such a measure? It was said that we might be satisfied with the law of nations as it stood; that the law of nations already forbade this offence; and that there was no occasion for any alteration in our municipal law for the purpose. But we could not enforce the law of nations beyond our own territory, and he had various precedents on which he could rely for the legislation he sought. For example, by the law of nations passports or safe conducts were to be respected, and it was a violation of the law of nations to violate them. Yet it had been deemed expedient to enact a Statute, the 2nd of *Hen.* V. chap. 6, by which the breaking of safe conducts was made high treason. So, again, by the 29th of *Hen.* VI. chap. 2, and the 31st of *Hen.* VI. chap. 4, the Lord Chancellor and Chief Justices may punish offenders who break safe conducts by sea or land, and order restitution. So, by the law of nations, ambassadors and their train could not even be sued in our courts, much less could they be deprived of their liberty in any civil process, yet it had been deemed expedient to embody that rule of the law of nations in a Statute. In the reign of Queen Anne it so happened that an ambassador from Russia was arrested in London, whereupon Peter the Great sent another ambassador to demand the heads of all the offenders who had taken any part in the arrest. The English Government replied that it exceeded their power to comply with His Imperial Majesty's request; but an Act of Parliament was thereupon passed (7th of *Anne*, chap. 12), declaring all arrests of ambassadors, or of persons in their train entitled to the privileges of embassies, illegal, and subjecting offenders to such penalties and punishments as the Lord Chancellor and the two Chief Justices should ordain. He proposed to act upon the same principle now, and to enforce the law of nations by the municipal law. It was said that we ought, at least, to confine legislation on this head to what took place within the limits of the United Kingdom. Undoubtedly, so far as foreigners were concerned, we must do so; but as to our own subjects, we had a perfect right, and were called upon to legislate all the world over. An example of this had been given in the measure of his noble and learned Friend (Lord Brougham) with regard to slavery, by which all British subjects who should be found engaged in slavery, in whatever part of the world, were held guilty of felony, and might be tried as such at the Old Bailey. Another example was afforded by the Royal Marriage Act, lately discussed in the case of the Sussex peerage. The provisions were held to be binding on all British subjects, whether at home or abroad. So, if the Legislature made it a misdemeanor for a British subject to present an address to a foreign Sovereign with respect to national affairs, that law would be binding on all British subjects, in whatever part of the world they might be. It was suggested that this measure would interfere with the intercourse which took place from time to time between English travellers and foreign Sovereigns; but it would have no such effect. The noble Lord below the gangway (Lord Beaumont) had informed him that not long since he had an interesting interview with the King of Sardinia; and another noble and learned Friend of his had not long since had an interview with the Emperor Louis Napoleon. With such interviews he had no desire to interfere. Such persons had, no doubt, a right to express their own individual opinions in such conversations, and such an interchange of opinions might be both laudable and useful; but the case would have been very different, if his noble Friend had stated that he represented, not his own opinion simply, but that of the county of York. An apprehension was entertained, he believed, that this Bill would interfere with the private business which might be transacted by individuals with foreign Governments. He regretted that the noble Earl who was at the head of the late Government (the Earl of Derby) was not in the House, for that noble Earl was the first Member of their Lordships' House, to whom he had mentioned his intention to bring forward this Bill, and the noble Earl was good enough to discuss the subject with him. The only objection the noble Earl made to the Bill was, that he was afraid it might interfere with the proceedings of British subjects who might wish to negotiate with foreign Governments respecting such matters as the establishment of places of worship or burial-grounds. He (Lord Campbell) apprehended that the Bill would not have any such effect, because those could not be considered either as national or political objects. If, however, such should really be the effect, he (Lord Campbell) did not see any reason why such negotiations should not be conducted through the accredited representatives of the British Government, or with the concurrence of the Secretary of State for Foreign Affairs. He found, from the public prints, that there were persons in the country who objected to the Bill because they considered that authorised negotiations had been so ill-conducted, and had succeeded so badly, that unauthorised negotiations ought to be permitted. He did not know whether his noble Friends behind him would concur in that view, but he might be allowed to read an extract from a newspaper—the *Dundee Advertiser*—which had been sent to him, and which contained an article on this subject. That journal said—

> "We object to this proposal, because we think it would be well if there were much more of the unauthorised class of negotiations which seem so offensive to the Lord Chief Justice. Let us ask what there is so pre-eminently desirable in the 'authorised negotiations' between European Governments? If there be one opinion more prevalent and more justly grounded than another, is it not that the existing diplomacy is treacherous to all popular interests, and a vile conspiracy against the progress of freedom and the advancement of States, as distinguished from the upholding of tottering thrones? Has the secret correspondence so lately published tended to invest the 'authorised negotiations' of Governments with new titles to respect? There is no danger to the people of any country in the honest and unconcealed representations of the views of any number of the inhabitants of one State to the Sovereign of another, but there is danger, as every page of history tells us, in the stealthy manœuvres of Royal confederacies. They have landed us in a fearful war, and we believe the national heart does not desire that during the progress of that war 'authorised negotiations' should alone occur. Let not Lord Campbell delude himself!"

Now, he must say his opinion was—although there might have been some things a little startling and perplexing in the negotiations that had been carried on by authority—that upon the whole those negotiations had been wisely and judiciously conducted. At times during their progress the Czar might, perhaps, have been a little encouraged to think that he could go any length with impunity, and he (Lord Campbell), while watching those negotiations, had sometimes been reminded of the Italian proverb, "*Qui se fa peccora il lupo mangea*"—"He that makes himself a sheep is sure to be devoured by the wolf." Now, however, that he had seen the whole of the negotiations, he must be allowed to express very humbly his approbation of the manner in which they had been conducted by Her Majesty's Government, because it now appeared that the Czar had, from the beginning, a determined purpose of aggrandisement and aggression, and that, if more vigorous measures had been taken at an early stage, the consequences would have been merely to accelerate the action of Russia before this country was well prepared, and we should not have had the advantage of the approval of all mankind, except the deputies of the Quakers. Another objection had been urged against this Bill. He learnt from good authority that the Roman Catholics were apprehensive that, if this measure passed, all communication between the See of Rome and themselves would be prohibited. He could only say, that he was the last man who would wish to throw any impediment in the way of such communications. He had resisted the introduction into the Bill for legalising diplomatic relations with the Court of Rome, which passed their Lordships' House some years ago, of the clause proposed by his noble Friend the late Lord Lieutenant of Ireland (the Earl of Eglinton), prohibiting the reception of any Minister from the Court of Rome who should be in holy orders. He knew that this clause had produced much mischief; for if it had not existed, there would have been an authorised Minister from Rome at the British Court, and we should have heard nothing of the Papal Aggression, or of that miserable contest about the Ecclesiastical Titles Bill which he could not think of without shame. If he received any encouragement to do so, he should be glad to propose the repeal of the clause to which he had referred. Instead of doing anything to prevent intercourse with Rome by our Roman Catholic fellow-subjects, he would rather do all he could to facilitate it. But how would this Bill prevent such intercourse? Civil business was now transacted by accredited agents, a treaty having reference to commerce having been recently concluded by a near relative of his own, under the auspices of the noble Earl near him (the Earl of Clarendon). With intercourse on spiritual matters this Bill would not interfere, because it referred only to intercourse with reference to political affairs. Bulls and documents of a spiritual nature might therefore still be received from Rome. If their Lordships would read the Bill a second time, he would consent to its being referred to a Select Committee, and would propose any noble Lord who expressed his willingness to serve on that Committee to be a Member of it. He could not, of course, consent to make any departure from the principle of the measure, but he should be willing to consider any amendments in its details which might be proposed. Whatever the result of this attempt at legislation might be, he would not regret the part he had taken, for he had been actuated simply by a desire to serve his country; and, as the head of the common law in this kingdom, having found that a defect existed in that law, he had considered it not unbecoming his position to endeavour, to the best of his ability, to remedy that defect.

Moved, That the Bill be now read 2^a.

LORD LYNDHURST said, he entertained so high a respect for the professional character of his noble and learned Friend that he always hesitated with respect to any opinion he might hold when he had the misfortune to differ from the noble Lord. He must say, however, that he entertained doubts with regard to the measure which his noble and learned Friend had now submitted to their Lordships. He had doubts as to the form and the extent of the noble and learned Lord's Bill, and he would submit those doubts, and the grounds upon which they rested, to the consideration of their Lordships and of his noble and learned Friend. The noble and learned Lord had said that he was ready, at some future stage of the Bill to make any alterations which might be suggested either in the Committee of the House or in a Select Committee. It was not for him (Lord Lyndhurst) to anticipate the alterations which might be contemplated by his noble and learned Friend, but at present he could only consider the nature and the extent of the Bill as it was laid before the House. He (Lord Lyndhurst) would venture to point out some of the effects and consequences of the measure in its present form. But first, he would direct their Lordships' attention to the preamble of the Bill, which stated that, "according to the law of nations, intercourse between two independent States ought only to be carried on by agents lawfully authorised by those respective States." Now, as two independent States could not come into bodily communication with each other, he knew no manner in which they could correspond except by means of agents, and such agents could not be properly considered as agents unless they were duly authorised for that purpose. It, therefore, required no authority from the law of nations to establish the position stated with so much ceremony in the preamble, and no Act of the municipal law to enforce it—it was a self-evident proposition. But intercourse carried on between the members of one State and the Government of another was not an intercourse between independent States. That was an intercourse between individuals on the one side and a Government on the other, but the Government of the State of which the individuals were subjects was in no way bound by any communication of this description. He (Lord Lyndhurst) had never found any rule laid down by the law of nations which rendered it illegal for individuals of one State to communicate and to have intercourse with the Government of another State with respect either to the acts of that State or to the acts of the State to which those individuals belonged. His noble and learned Friend haad cited no authority on this subject, and so far from such intercourse being contrary to the law of nations, it took place constantly, and to the general benefit. What was the case with regard to loans? The subjects of one State had intercourse and communication with respect to such matters, with the Government of foreign States. But, if so, then, according to the terms of this Bill, that all intercourse between individual subjects of one State and the Government of another State, with respect to the acts of that State, are illegal, the parties concerned in such transactions would be liable to punishment as for a misdemeanor? He objected to the form and extent of the Bill of his noble and learned Friend. The noble and learned Lord had not condescended to state to their Lordships the terms of the Bill; but the effect of it was to provide "that if any person, either acting or professing to act on the part of any portion of Her Majesty's subjects, should, without the licence of the Secretary of State for Foreign Affairs, obtained for that purpose, hold any intercourse with a foreign Government with respect to the acts of that Government, or with respect to the acts of the Government of which such person was a subject, he should be considered and adjudged guilty of a misdemeanor;" so that if he (Lord Lyndhurst), without the licence of the Secretary of State, held any intercourse with the French Government on the part of any portion of Her Majesty's subjects with respect to any act of the French Government, he was to be deemed guilty of a misdemeanor.

Now, let their Lordships consider what would be the effect of such a provision. His noble and learned Friend had, indeed, obscurely anticipated the objection. He (Lord Lyndhurst) would ask their Lordships to consider the case of the Roman Catholics of Ireland and of this country. He must remind their Lordships that he was not objecting to a Bill framed according to the law of the United States to which his noble and learned Friend had referred, but he was objecting to the form and extent of the Bill now before them. As an illustration of the consequences of this measure, he would direct their Lordships' attention to occurrences which had taken place two or three years ago, when Her Majesty's Government established certain colleges in Ireland, the object of which was the united education of English and Irish, of Protestant and Roman Catholic students. Conscientious scruples were entertained with regard to that measure by the Roman Catholic hierarchy of Ireland, by the Roman Catholic clergy, and by many laymen, and a mission was despatched to Rome to ascertain the opinion of the See of Rome upon the subject. The opinion of the See of Rome confirmed their doubts, and they acted accordingly. Now this case came precisely within the terms of the noble and learned Lord's Bill. A mission, composed of individuals representing other individuals, namely, the clergy and laity of the Roman Catholic persuasion in Ireland—proceeded to Rome to hold a correspondence with a foreign Potentate—the head of the Roman Catholic Church—with respect to the acts of the Government of this country. What was the result? It was that the Pope declared his opinion to be adverse to the measure attempted to be carried into effect by Her Majesty's Government. Now, every person engaged in that mission, every person who sanctioned or authorised it—for in misdemeanors all were principals—would, according to the Bill before the House, have been guilty of a misdemeanor, and be subject to fine and imprisonment. He (Lord Lyndhurst) must not for a moment be understood as approving of the conduct of the Roman Catholics on that occasion; but, however he might disapprove of their acts, he was satisfied that the attempt, by any penal enactments, to restrain that species of intercourse would be attended with most dangerous consequences. The noble and learned Lord might say that that was a religious, and not a political question; but, in the case of the Roman Catholic Church, it was almost impossible to define what were religious and what were political questions. They knew, from frequent discussions in that House, that the Roman Catholic religion could not, in practice, be carried on from day to day without constant communications with the See of Rome, without bulls or rescripts issuing from the Court of Rome—from the Sovereign Pontiff—with respect to which communications must of necessity constantly take place. The consequence must be, that the Bill of his noble and learned Friend, in its present form, would create a sensation of the strongest and most unfavourable kind among the Roman Catholics, both in this country and in Ireland. Everybody knew that the noble and learned Lord himself was such an avowed and unflinching advocate for freedom of discussion in religious matters, that there was no danger of his intentions being misinterpreted; otherwise he (Lord Lyndhurst) had no doubt it would have have been supposed that his noble and learned Friend, in a general Bill of this kind, containing such sweeping clauses, entertained some insidious design hostile to the religious liberty of the Roman Catholics and their freedom with respect to religious worship. Some persons might suppose that this restriction was effectually modified by a clause in the Bill which provided that licences might be obtained for communications of this kind from the Secretary of State for Foreign Affairs; but those knew little of the feelings of Roman Catholics who supposed that they would allow any interference of a Protestant Secretary of State to check or control, in any degree or in any manner, their communications with the head of their Church. As the Bill at present stood, therefore, and unless it was altered to a very great extent, he regarded it as open, on this ground, to very strong objections. But they must discuss this Bill as it now stood, and not as his noble and learned Friend might remodel it; and if their Lordships would do him the favour to recollect what were stated to be the general terms of the Bill, they would find that scarcely any transaction could take place with foreign States by private persons without involving such parties in the penalties and pains of the measure. There were many commercial establishments in this country connected not only with different parts of Europe, but with America; and it frequently happened that there were acts of State affecting the interest of those establishments; but if an individual member of one of those establishments were to make any representation to the Government in consequence of such acts as affecting his interests, he would come within the provisions of the Bill. Again, newspapers are circulated on the Continent; suppose articles to be published in the *Times*, for instance, commenting on foreign Powers, and the circulation in consequence prohibited, the agent for the newspaper applies immediately for a revocation of the order, representing that the article complained of had been misinterpreted,—that would bring him within the provisions of his noble and learned Friend's Bill. Had he not, therefore, a right to complain of the Bill, and the consequences to which it would lead? But he would refer to another case, which he thought his noble and learned Friend might say ought to be embraced within the measure, and that was a case which would be fresh within their Lordships' recollection. An act of injustice, and cruelty had been committed by a foreign Government on its own subjects—which was the case in Tuscany; two of its Protestant subjects, for an offence against the prevailing law of religion, in consequence of reading some passages of Scripture in private to particular friends, were sentenced to severe punishment — and what was the consequence? Deputations from different Protestant States appeared at Florence for the purpose of remonstrating against this act; one deputation proceeded from this country, as the representative of a body called the Protestant Alliance, and at the head of that deputation was a noble Lord, a Member of this House, distinguished for his strong Protestant feeling. When they arrived at Florence, they were not admitted to the Grand Duke, but they had a conference with his Minister; the address was read, the remonstrance was heard; but, if this Bill had been in force at the time to which he was now referring, every person connected with that deputation would, as a matter of course, have been brought within its provisions, and have been considered guilty of a misdemeanor. Was it meant to restrain acts of this description? Very possibly it might be said that such matters ought to be left to the interference of the diplomatic Ministers or agents of the country, the consequence would be long formal complications extending through many pages of blue books, and which would be ultimately cast aside and forgotten. But what was the case in the instance to which he had referred? A strong popular feeling was aroused, the deputation was listened to, and attended with good effect. He appealed to the noble Earl then sitting upon the cross-benches (the Earl of Shaftesbury), who would tell their Lordships that it was mainly in consequence of that private interposition that the punishment inflicted upon those two individuals was ultimately relaxed. Would their Lordships wish, therefore, to pass a Bill which would have the effect of restraining or preventing such applications as these, and say that parties interfering in such cases should be subjected to the penalties of a misdemeanor? He believed that in the early period of the establishment of the Society for the Suppression of the Slave Trade missions of this description to the different States of Europe issued from time to time, and laid the foundation of that feeling which ultimately led to the almost entire abolition of that abominable traffic, but which under such a Bill as this would have been illegal. With respect to the licence of the Secretary of State, he thought such an arrangement open to great objection. In the first place, in granting such licence, the Secretary of State would have to encounter considerable difficulty, he would require a most minute account of what was intended to be done, and of the language that was to be used; every particular must be known before he could grant the licence; and after obtaining this information, if he were to grant the licence, what would be the consequence? Why, that he would make himself responsible for all the acts done in virtue of that licence. Did their Lordships imagine that any Secretary of State would wish to be placed in so awkward and so responsible a position as would be thus occasioned? His noble and learned Friend had referred, among other cases, to the absurd pilgrimage of three respectable gentlemen of the Society of Friends to St. Petersburg, where they were received with the courtesy usual with the eminent personage at the head of that Government, and after some cajolery, and no doubt a considerable degree of private ridicule, were dismissed and returned to this country with nothing but their labour for their pains. Were they to apply the measure to such an enterprise as this? He was old enough to recollect acts of an extremely reprehensible character with regard to certain societies in this country, whose representatives appeared at the bar of the French Convention, uttering many sentiments and opinions of a most mischievous nature; but it was not thought necessary by the eminent statesmen of that day to pass any permanent law to deal with such cases. They fell into oblivion, and, by degrees, died away and were forgotten; and, he asked, was it necessary at this time of day to interfere with transactions of the description to which he had alluded? Had they occasioned any real mischief? But the noble and learned Lord had cited as an authority in favour of the measure, the case of an Act which was passed in the United States so far back as 1791. He (Lord Lyndhurst) knew from experience the skill of the Legislature of the United States, and he had asked his noble and learned Friend to favour him with a copy of that Act, which he had obligingly done; but he could not find the slightest resemblance between that law and the present measure. It was passed, as his noble and learned Friend had said, at the time when the elder Adams, a distinguished lawyer, was President, and when Jefferson was Vice President of the United States. The provisions of that Act were simply these—namely, that if any citizen of the United States, whether residing in them or out of them, "should have any intercourse with a foreign Government with intent to influence any negotiations then depending between the two Governments, or with an intent to defeat any measure of the Government, he shall be deemed to be guilty of misdemeanor." If his noble and learned Friend had introduced a measure of a similar nature to this, he (Lord Lyndhurst) did not know that he should have made any objection to it. Such a measure might be necessary, as in the supposed case where Mr. Fox was charged with interfering in negotiations with Russia, with a view to influence them and prevent their completion. That charge against Mr. Fox has been more than once most satisfactorily refuted; but, if it had been true, what more grave offence could have been committed? It was to offences of this description that the Act of the United States had reference, and that measure bore no resemblance whatever to the Bill of his noble and learned Friend. So conscious, indeed, was his noble and learned Friend of the defects of his measure, that in the course of his address he entreated their Lordships to pass this Bill, on the understanding that it should go to a Select Committee, in order that such objections as had been pointed out might be obviated. He had said he entertained doubts respecting the measure of his noble and learned Friend; the ground of those doubts he had now stated to the House for their consideration. In his opinion, this was a subject upon which if legislation was necessary, it ought to be conducted by the Government, and he was ready to leave it in their hands. If they thought the Bill should be read a second time on the complete understanding and promise of his noble and learned Friend that it should be contracted in its operation and extent, he should not oppose it. He had felt it his duty to make these observations, and he left the matter entirely in the hands of their Lordships. He saw that the noble Earl to whom he had alluded (the Earl of Shaftesbury) was now present; he did not know whether he accompanied the deputation; but, if he did not, he sanctioned it, and he (Lord Lyndhurst) wished to know what was his opinion as to its effect.

THE EARL OF SHAFTESBURY said, he was appointed a member of the deputation, but was not able to fulfil the duties; but he was chairman of the committee. He believed he might say that the representations of that deputation had a very material effect upon the Government of the Grand Duke of Tuscany, and upon the minds of the great mass of the people of Italy at large. He did not think that the present measure, taking it altogether, was a useful one, or that the cases that had been cited by his noble and learned Friend were of sufficient importance to justify it; for, although they might be very strong, at the same time no very serious consequences resulted from them; and he asked the House whether greater mischief might not have resulted from punishing those three gentlemen, who, at all events, acted up to their conscientious convictions? Supposing the three gentlemen of the Society of Friends, who certainly went out under circumstances that the House must almost wonder at their heroism in at the time seeking an interview with the Emperor of Russia, had been tried for misdemeanor and were now languishing in prison, would that have been a desirable thing? He must say that there were in the Bill now proposed provisions for limiting what he considered the inherent right of every Englishman. By the present measure we were not to be allowed to address any foreign Government on account of any act done by that Government. It did not confine itself to affairs between the English Government and any other Government—it did not say with respect to any public negotiation; but it prohibited an Englishman from interposing in any way whatever with respect to the act of any independent nation. Let them take the case of the Madiai. A deputation on behalf of the Madiai, with Lord Roden at its head, left this country for the purpose of representing the Protestant Alliance at Florence, and, through the Protestant Alliance, a very large proportion of the Protestants of England. They went only for the purpose of using intervention with the Grand Duke of Tuscany, and of praying him to be good enough to remove the pressure of the law from the poor creatures who had been thrown into prison simply because they had been detected reading the Bible. He held that in such a case every Protestant Englishman had a right to interfere with a foreign Government on behalf of his co-religionists, and in his opinion that right could not be taken away from him, except by an act of intolerable tyranny. He contended that, if a Government chose to oppress any of its Protestant subjects, they had the right of interposing their private representation to induce it to remove the oppression under which their suffering co-religionists laboured. He believed this Bill, if it were passed into a law, would make it utterly impossible for any interference of the kind to take place without the previous consent of the Secretary of State. That consent he would not submit to ask if he felt it his duty before God and man to interpose with the Sovereign of a foreign country on behalf of some co-religionist suffering unjustly; he would not go to the Secretary of State and say, "Will you give me permission to interpose?" nor would he go to the Court of that Potentate and ask permission of our representative there. There were other cases which had occurred in his time, in which it was not necessary to mention the names of the parties; but it had been his duty in two several instances to address, in one case, the Prime Minister of a foreign country on behalf of a co-religionist, requesting him to be good enough to relieve the law which pressed so heavily on their rights and privileges; and it had been his duty to communicate in another instance with a crowned head, preferring the same prayer, and imploring the Sovereign to recollect the rights of Christians, and relieve the pressure of the law which deprived them of their just rights respecting the profession of their faith. In those instances, had this act been law, either he should have been prevented from interfering, or, if he had persisted in doing so, he should have committed an offence, and have exposed himself to the penalties provided by the measure. He considered this Bill a great infringement of their Christian rights and privileges, and, with all due respect to his noble and learned Friend, he must say that in defence of Protestant rights and the rights and feelings of Englishmen, he should oppose it by all the means in his power.

The Earl of ELLENBOROUGH said, his noble Friend who spoke last had certainly a fair right to interfere on behalf of his co-religionists. He, however, hoped that the noble Earl would be willing to grant the same right to members of other creeds that he claimed for himself. He apprehended that such a right belonged equally to the Greek as to the Protestant, and that the Greeks in Russia or any other country would have an equal right to interfere with the Turkish Government on behalf of the Greek Christians the subjects of the Sultan. A considerable amount of practical inconvenience might arise from extending these Protestant natural rights to the Greeks. He thought it right to notice the inconvenient extent to which the principle advocated by the noble Earl might be carried, without meaning to take part in the discussion upon the Bill itself.

The Earl of SHAFTESBURY: I might have used too strong a word when I said we had a right to interfere. What I meant was, that I thought we had a right of private solicitation, and a right of prayer. In my opinion, every Greek in the Russian dominions would have a perfect right to communicate, personally if he could, or by letter if he could not, with the

Sultan, in order to induce him to respect the rights of conscience and give full religious liberty to his Greek subjects.

The Bishop of OXFORD said, he entirely agreed with what had fallen from the noble Earl who spoke last (the Earl of Shaftesbury) upon the subject, and he wished to call their Lordships' attention to a particular instance in which it seemed to him that this abridgment of the liberty of Englishmen would have greatly injured the cause of civilisation and humanity; and that was at the time when representations with a view to do away with the slave trade, and solicitations on behalf of the oppressed African race, were made to foreign States by persons who took an interest in the abolition of slavery. The noble Earl had said he would not submit to ask the leave of the Secretary of State before he made such representations as he contemplated to foreign Powers. Changing very slightly the form of the noble Earl's words, he would at once adopt them; for it seemed to him that it was not so much that one would not submit to ask such a permission of the Secretary of State, as that it was taking away a remarkably useful and convenient mode in which such representations might be made in an unofficial manner. There might be a great many occasions for representations such as those alluded to by the noble Earl in which it would be singularly inconvenient for the Government of the country to come forward and make a specific Government representation, or to give other parties permission to make it—for it might be said that such a representation was a national one because the Government had adopted it. But such representation might be made most usefully and efficiently by parties who did not undertake to represent the English nation, but who professed to represent parties entertaining strong opinions, and who, having strong Christian sympathies with others, might desire to express that sympathy, and might desire in an unauthorised and unofficial manner to address the Sovereign of another State, in behalf of the objects of their sympathies.

Lord BEAUMONT had listened with great attention to the noble and learned Lord who had brought in the Bill, in order that he might have the pleasure of supporting it; but the speech of his noble and learned Friend, instead of removing his objections, had only tended to confirm them. In order to make out his case he thought the noble and learned Lord was bound, in the first place, to state what were the evils which he intended to remove, and to illustrate those evils by instances; but although he went over numerous instances, from the time of the Empress Catherine down to the recent journey of Quakers to St. Petersburg, he did not point out the evil resulting from one single case. On the contrary, the noble and learned Lord left an impression on his (Lord Beaumont's) mind, that in not one single instance of these violations of propriety—of these indications and assumptions of power on the part of individuals professing to represent the opinions of the masses, had he shown the result to have been injurious to the country. Far from that, he (Lord Beaumont) believed that, in every instance, it only brought ridicule upon the individuals engaged, and, instead of doing harm, actually did good, inasmuch as it showed up and exposed the absurdity of the parties who assumed the power of representing any influential parties in this country. If his noble and learned Friend had shown that, in consequence of any of these interferences, great negotiations had been prevented, or great arrangements between nations had been interrupted, or that any evil had resulted from such proceedings, then he (Lord Beaumont) should say there was some ground for legislating, and he might have been induced to entertain the Bill with favour. What was the next course taken by the noble and learned Lord? He (Lord Campbell) stated in the next case that this Bill might be supposed to interfere with what was useful. The noble and learned Lord seemed himself to be fully aware of the great advantages which resulted from individuals, representing certain influential parties in this country, having, in their private capacity, intercourse and communication with sovereigns and potentates abroad. The case of the Greeks had been suggested. Now he (Lord Beaumont) went the full length of saying, that every Greek had a right to appeal to the Sultan in regard to any matter which affected his individual feelings; and that every Mahomedan possessed a similar right to appeal to the English Government in behalf of every body of Mahomedans who were under our sway in Asia. The noble and learned Lord appeared to be fully conscious of the objections which would be urged against his measure, and how did he meet those objections? By introducing something which on the face of it was most objectionable—a clause giving power to the Secretary of State for Foreign Affairs to authorise persons to enter upon such interference. Why, if the Secretary of State gave his signature to every deputation on behalf of the Madiai or other persecuted people in other countries—and there were persecutions of Roman Catholics in Sweden, as well as persecutions of Protestants in Italy—he would take the whole responsibility on himself, and immediately make the individuals whom he authorised the representatives of this country, and they would then stand in a totally different position to what they would otherwise have done. What would be the great convenience of that? When those persons stood in that authorised position, they would naturally bring the Government into difficulties, at the same time that they would lose much of their own individual influence. It was clear that they would make their communications more freely, and with less reserve, and with, perhaps, a better chance of a happy result, in their unauthorised capacity, than if they had obtained the formal sanction of the Secretary of State for Foreign Affairs. Instead of the Bill carrying out, as alleged, the law of nations, it actually violated that law. Another objection raised to the Bill, in which he perfectly concurred, related to communications between members of the Roman Catholic Church and the Pope of Rome. If the Romish religion was to be conducted in its full force in England, it was absolutely necessary to keep up a constant communication with that foreign Potentate. But the noble and learned Lord said he did not intend to interfere with that kind of communication; and, if so, he must make so large an exception as to render the Bill useless. He could not pretend to assert that the Bill would not apply to matters of religion connected with the Roman Catholics, because the religious and political element was so mixed up at Rome, that he (Lord Beaumont) defied any one to separate the two. If such a Bill as the present had been in operation some time ago, the noble and learned Lord himself would have been one of the greatest offenders, because he was honoured with a long interview with another Sovereign, who not only wore one but three crowns, and with whom he entered into a long conversation on all the great questions of the day—education, Queen's colleges, and Heaven knows what else. That was no doubt an interview between a private individual and a foreign Potentate, from which great advantages were derived, that individual representing so large a portion of the legal body in this country; but if this Bill had been then in operation, he did not see how such an advantage could have been conferred on that Potentate.

THE EARL OF ABERDEEN said, that, although he had a great respect for the noble and learned Lord who had moved the second reading of this Bill, and should be most unwilling to vote against the second reading, he thought that the noble and learned Lord must perceive that objections so weighty and so numerous had been stated against his measure that it was quite impossible that it could pass without very great and extensive alterations. His noble and learned friend opposite (Lord Lyndhurst) had suggested that the Bill should be read a second time, and then that it be referred to a Select Committee, with the view to making such alterations in it as may be agreed upon. [Lord LYNDHURST said, it was not his suggestion; it was the noble and learned Lord who introduced the measure who made that proposition.] He should be excessively unwilling, for the respect he had for his noble and learned Friend (Lord Campbell), to object to the second reading; but, at the same time, he thought that the objections which had been taken to his measure were such as to raise difficulties in the way of removing the evils complained of, even if the Bill were referred to a Select Committee. If, however, his noble and learned Friend persevered in his wish to read the Bill a second time, upon the clear understanding that these alterations, so extensive and so fundamental, should be assented to before a Select Committee, he would not oppose the second reading. But if he might venture, without offence or without presumption, to recommend any course to his noble and learned Friend—seeing that the prospect of effecting his end was so small—he would recommend him not to persevere in the second reading of the Bill.

THE MARQUESS OF CLANRICARDE joined in the recommendation of the withdrawal of the Bill. The noble and learned Lord who introduced it had mentioned a ridiculous instance, in which a deputation from the City of London, headed by the then Lord Mayor, went to the illustrious

Prince who was now the Emperor of the French; but he forgot to mention that, at the same time, there was a deputation to Paris for a very different object—the accomplishment of a vast design, which would be of the greatest use to the commerce of the whole world. He meant an effective passage across the Isthmus of Panama. That was a deputation, headed by Sir Charles Forbes and other remarkable men—men remarkable in skill, science, and industry—from this and other countries in Europe; but that deputation came distinctly under the present Bill, for the object of the parties was to apply for certain acts to be done by the French Government. He thought that no obstacle should be interposed to negotiations with, or representations to, foreign Governments for purposes of that description. The noble and learned Lord said he did not intend to impose any check on the liberty of the subject; but he had failed to show any single case of grievance which rendered the Bill necessary. Take the most recent case—Mr. Smith O'Brien's deputation to Lamartine. It was a deputation of a most mischievous nature unquestionably; but the only result of it was, to dispel the idea that Ireland could obtain any assistance from any respectable Government in France on behalf of such a dangerous project as was then contemplated.

Lord BROUGHAM said, he was under the impression that many of their Lordships had not attended to the provisions of this Bill. Communication with a potentate, such as a conference of his noble and learned Friend with the Pope, did not come under the operation of the measure. It was only when persons professed to represent persons or bodies of persons in this country, and went as their representatives to a foreign Prince, that they came under the provisions of the Bill. He would recommend his noble and learned Friend to take into consideration the many difficulties that had been started. It was quite certain that very considerable changes must be made in the Bill; for example, it would be necessary to provide that the owners of property should not be liable on account of representations to foreign Governments relative to property. The joint owners of a vessel, for example, which might be seized by the act of a foreign Government, ought not to be prevented from making any representations to such Government. It might be said that they might write home and obtain the warrant of the Secretary of State; but valuable time would be lost by such a delay, where immediate representation would be most necessary. He thought, besides, that an authorisation of that kind would somewhat commit the Government to the matter in discussion, and such a step ought to be avoided, and the consequence would be, that in ninety-nine cases out of one hundred the Secretary of State would refuse to interfere. At the next stage his noble and learned Friend might be able to suggest remedies for these difficulties. With respect to the objections urged by the noble Earl (the Earl of Shaftesbury), he was one of those who would rather see representations upon so delicate and exciting a matter as religion in the hands of the Government than in the hands of individuals. In dealing with matters so exciting and so delicate as those involving religious feeling, he thought it much more expedient to let them pass through the regular and constitutional channel.

Lord CAMPBELL agreed with his noble and learned Friend (Lord Brougham) that several noble Lords who had spoken on the subject of this Bill had not very studiously considered the phrases in which it was couched. The principle of the Bill was to prevent unauthorised communications between English subjects, who pretended to represent the English nation, or a portion of it, with foreign Governments, respecting political and national affairs. He wished to go no further than this; and, if this principle were not carried out in the Bill, he was perfectly willing to agree to any alterations which should have that effect. The conference which he had had with a foreign Potentate was perfectly innocent. His noble Friend (Lord Beaumont) was right in saying that he had had a long conference with His Holiness the Pope. He did discuss with the Pope a number of political topics, and he most certainly hoped with some success, because he had convinced the Pope that he had been misinformed respecting what were called the "Godless Colleges;" and that the Government had most anxiously provided in them for the integrity of the Roman Catholic faith, and for the morals and creed of the Roman Catholic pupils who were to be instructed there. He believed that some good had arisen from that interview; but was that an interference with the Government? And would it have been affected by this Bill? Did he go to Rome as a deputation from persons in England?

No; he went as a simple individual—as an English traveller; nor was there a line or a word in the Bill that had a tendency to check such communications. A case such as that of the seizure of a vessel would not come under the Bill, because that was not a "national affair." In the United States law there was a provision which he had no objection to follow in its very words, that the Bill should not extend to the private concerns of the citizens of the United States. This Bill would be substantially the same as the United States law, both in title and in matter, and by a small alteration might be reduced to that to which his noble and learned Friend (Lord Lyndhurst) agreed. Their Lordships had heard of the right which all individuals were said to have to interfere with the national affairs of another country, and to represent any number of persons in this country in deputations, relative to the treatment by a foreign Government of its own subjects. He was alarmed when he heard such doctrines of interference laid down, because he thought they had a very dangerous tendency to disturb the peace of the world. He hoped their Lordships would agree to read the Bill a second time, and then refer it to a Select Committee, with the understanding that it should be so re-formed as to carry out the principle on which it had been based; and in this way his object would be attained, and the measure moulded into an entirely unobjectionable shape. He trusted their Lordships would decline to say that nothing should be done to put a stop to the unauthorised communications complained of, and he hoped the Bill would not share the fate of so many which had been introduced this year, and had already come to an untimely end.

On Question, *Resolved* in the *affirmative;* Bill read 2^a accordingly, and *referred* to a Select Committee.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, May 9, 1854.

Minutes.] New Writ.—For Hertford County, *v.* Thomas Plumer Halsey, Esq., deceased.

Public Bills.—1° Church Rates; Medical Graduates (University of London).

2° Piers and Harbours (Scotland) (No. 2).

3° Militia.

RIGHTS OF NEUTRALS—CONTRABAND OF WAR—QUESTION.

Captain SCOBELL said, he wished to ask the right hon. Baronet the First Lord of the Admiralty, whether by the recent Orders in Council coals were prohibited as contraband of war, or otherwise, from being conveyed by the vessels of the neutral Powers into any port or place in the dominions of Russia, not being in a state of blockade?

Sir JAMES GRAHAM said, the question was one of very great importance, and, at the same time, of very great difficulty. Coal was not included as contraband of war in the terms of the Orders in Council, but instructions had been given to Her Majesty's cruisers that coals should be treated as an article of doubtful character. It was laid down by the rules of the code regulating the conduct of commercial transactions in time of war, that coal should be treated as an article of doubtful character, and in point of fact it had been so treated in the course of last war. He might illustrate the case of coal by that of hemp. It was possible that an article of a doubtful character might be intended for purposes of a commercial nature, in which case it was treated as an ordinary commercial article; it was possible also that it might be intended for purposes of war, in which case it was treated as contraband of war. The instructions, therefore, issued to Her Majesty's officers for their guidance were, to exercise a sound discretion in judging of it, both as to the port of destination to which the article was being conveyed, and from any reasonable presumption they might entertain as to the use to which the commodity of coal was to be applied. If they should be satisfied, on looking both at the port of destination and the other grounds which might exist for judging as to its real character, that it was intended *bonâ fide* for commercial purposes, then they were not to touch it; but if, on the other hand, they should come to an opposite conclusion, then the article would be taken possession of, and dealt with in the Court of Admiralty as Statute and international law directed.

THE WAR WITH RUSSIA—GUNBOATS—QUESTION.

Mr. KENNEDY said, he rose to inquire of the First Lord of the Admiralty whether both the Admirals in command of our fleets had not asked earnestly for gunboats; whether Admiral Napier had not asked for iron gunboats to meet those of the Russians, which were made by a house in

Liverpool; and whether the house of Scott Russell did not offer to provide in a few weeks the craft wanted; and had not the Admiralty refused to provide iron boats; had it not ordered wooden boats to be built and bought, which wooden boats would draw twelve feet of water, instead of five, like the iron boats; had the Government ascertained whether any gunboats had been, or were being built in the Finland Harbour of the Gulf of Bothnia, and, if so, what number, by the latest accounts; and had the Government taken the necessary steps to efficiently protect the British mercantile flag navigating the Gulf of Bothnia on the Swedish coast?

Sir JAMES GRAHAM said, he really hoped the House would pardon him if he exercised some discretion in answering these questions. He did not think it would be possible to conduct a war, if the Government were called upon to lay before the House the requisitions they might have received from the Admirals on foreign stations with respect to what was necessary for the forces. He was much less inclined to answer a question with regard to the propositions which might have been made by any particular house, and the reasons for which a certain contract had not been entered into. Certainly, the strength of Russia in gunboats in the Baltic was formidable, and Her Majesty's Ministers had taken every precaution that appeared to them to be necessary and expedient to meet that formidable force, and the commerce of Great Britain in the Gulf of Bothnia would be protected by adequate means.

WAYS AND MEANS—THE MALT TAX.

Mr. BOUVERIE *brought up* the Report of the Committee of Ways and Means, and the first four Resolutions were put from the Chair.

Mr. CRAUFURD said, he would beg to ask if this proceeding were merely formal, and if Members would have the opportunity of opposing the Resolutions hereafter.

The CHANCELLOR of the EXCHEQUER said, there could not be the smallest doubt as to the meaning of the vote hon. Members were called upon to give. It was a vote simply to enable the revenue officers to act with full authority, and, therefore, to prevent any evasion of the intentions of the House, in case it should, on deliberate consideration, adopt the proposition of the Government. It had no effect whatever in committing the judgment of the House.

Mr. Kennedy

Four first Resolutions *agreed to.*

On the fifth Resolution for the augmentation of the malt duty being read,

Mr. E. BALL said, he begged permission, if he were not out of order, to offer a few observations which he hoped would have the effect of inducing the House at once to reject the proposition of Ministers.

Mr. SPEAKER said, the hon. Member had better move an Amendment to strike out the Resolution regarding the malt tax, after all the Resolutions should have been read by the clerk.

This having been done,

Mr. E. BALL again rose, and said he wished to call the attention of the Chancellor of the Exchequer and of the House to a circumstance which had occurred in the course of the last Session.

Mr. T. DUNCOMBE said, he rose to order. This was not a Government night, and, as he understood, the arrangement made last night was that this Report should now be brought up *pro formâ*, not for the purpose of being discussed. Now, the hon. Gentleman opposite apparently meant to go into the whole question, and when malt was once begun, there was no knowing when or how it would end. He had a notice of Motion on the paper for this evening, but if this question were gone into he should have no chance of bringing it forward. The Government was bound to postpone this discussion, and the hon. Gentleman ought not to commence it.

Mr. SPEAKER said, that the hon. Member for Cambridgeshire was perfectly in order. The House had determined yesterday that this Order of the Day should be read at half-past four o'clock; and the Order of the Day having been read, if the hon. Gentleman chose to take the sense of the House upon it, there was no doubt as to his being in order.

Mr. T. DUNCOMBE said, that the House had consented that the Report should be brought up that evening upon the understanding that no discussion should take place upon it. It was a violation of good faith, therefore, upon the part of the Government, to permit that discussion to proceed.

Mr. E. BALL said, he preferred taking the decision of Mr. Speaker rather than that of the hon. Member for Finsbury. The Chancellor of the Exchequer would, of course, recollect that for many years a conflict had been carried on upon the question of whether free trade should be adopted by the country, or whether the system of protective duties should be continued. The House had come to a decision upon that subject, in which those Gentlemen who had supported protective duties were defeated by a large majority, and those who were defeated then thought that it would be improper to dispute the opinion which had been expressed by the country and the House. Having been so defeated, he declared at once that he would not provoke the discussion further, that he bowed to the decision of the House, that he adopted free trade, and that he should honestly endeavour to carry out those principles. He appealed to the House whether he had not acted up to that declaration. Having come to that decision, however, and having submitted to an open competition with the foreigner, he contended that the agricultural interest had a right to expect that they should be kindly considered in future legislation, and that if there were any possibility of granting them relief it should be done. It was with great astonishment, therefore, that he had heard from the right hon. Gentleman that he intended to derive a considerable amount of the additional revenue of the country from an increase of 50 per cent upon the malt duties. He was astonished, because it seemed to be the opening of a subject which he had thought was settled, the ripping up of a question which had been terminated, and the fresh commencing of a party warfare which he had hoped every section of the country had agreed to close. It was scarcely wise either, at such a moment as the present, to arouse again a spirit of party warfare, and that House had certainly shown every disposition to assist the Government in carrying out their measures for the vigorous prosecution of the war in which we were engaged. He must say that not only was the proposition of the right hon. Gentleman calculated to awaken a spirit of party contention, but that the hardship of raising four-fifths of the whole increased amount of taxation upon land was one which the House ought not to consent to have imposed upon the agricultural class. Of the 6,850,000*l.* additional which the right hon. Gentleman proposed to raise, he procured 3,150,000*l.* by doubling the income tax for the second half-year. He did not object to that. The income tax was a fair tax to pay; from it a legitimate revenue might be raised to carry on the war, and it pressed equally and fairly upon the landed and mercantile classes. But this left 3,700,000*l.* still to be raised, and the right hon. Gentleman actually proposed to raise four-fifths of it, or 2,900,000*l.*, from the land by means of the spirit tax and the malt tax. This was a hardship which the agricultural interest of the country ought not to be called upon to submit to, and he had hoped, after the suffering through which they had passed, that they would not have been subjected to this great aggravation of their distresses. He called upon the House not to allow so partial and unjust a system of taxation to be adopted. He knew that from a large portion the land could not expect to obtain justice; but he could not believe that the House would permit those who were engaged in the cultivation of the land to become permanently "hewers of wood and drawers of water." Under these circumstances, he begged, in order to meet the Resolution with a direct negative, to move as an Amendment, the omission of that portion of it that relates to malt.

MR. BENTINCK seconded the Amendment. He freely admitted that in the present condition of the country it was the duty of all sides of the House to do their utmost to support the Government in carrying on a war in which the honour and interests of the country were involved, and he must appeal to the Government whether hon. Members upon the Opposition side of the House had not given them every possible support and assistance? There was a certain limit, however, to the carrying out of the best principles; and when they saw a tax of this kind attempted to be imposed, so utterly at variance with all justice, he thought that they were bound to pause before they assented to such a proposition. He confessed he was not surprised at this proposition coming from the right hon. Gentleman the present Chancellor of the Exchequer, because it was very much in unison with the characteristics of all the financial measures which had been brought in by the right hon. Gentleman and by those with whom he had acted since 1846. From the moment that they abandoned the party to which they had formerly belonged, and forfeited the pledges which they had made, they had in all their financial propositions evinced a degree of hostility which had amounted even to malignity towards that class to whom they were pledged, and whom they professed to support. He trusted, however, that there was in that House a stronger sense of justice than existed in the mind of the right hon. Gentleman, and that they would not sanction a Resolution so utterly at variance with everything that was fair and right, and so fraught with injury to the agricultural class.

Amendment proposed,

> "To leave out the words 'for and upon every bushel imperial standard measure, and so in proportion for any greater or less quantity of Malt which, after the 8th day of May 1854, shall be made in any part of the United Kingdom of Great Britain and Ireland.'"

THE CHANCELLOR OF THE EXCHEQUER: Sir, if I were to advert to the observations which have fallen from the two hon. Gentlemen who made and seconded the Amendment in detail, I am afraid that the pith and purport of what I should have to say would be, if not a contradiction, yet an attempt at a confutation of everything which proceeded from them. I could not agree, I am afraid, to any single proposition which they have uttered; and especially I fear that I should be bound, in general terms, to protest against the doctrine of the hon. Member for Cambridgeshire (Mr. E. Ball), who appears to think that it is the landed interest whom we had in view in the imposition of this tax, and to be of opinion that this tax and the tax upon spirits are to be borne by the landed interest alone. Sir, I entirely dissent from that proposition. The view of the Government has been an equal apportionment of taxation. I shall not attempt to go into the proof of that proposition, but I content myself with respectfully stating it, and postponing to a future occasion any defence that may be necessary against the charges of the hon. Gentleman who seconded the Motion. My object in rising is simply to apologise to those hon. Gentlemen for not entering upon the task of answering them. I assure them that it is neither out of any want of respect to them, nor from any indifference to the great importance of the subject, that I refrain from doing so; but it is that, if I entered upon a discussion of the question at the present moment, I should be guilty of a virtual breach of faith to the House. I have stated within the course of only a few minutes, that in the view of the Government the vote which you are called upon to give is purely a *pro formâ* vote, and that its whole intent and object is to complete the authority of the revenue officers to raise the charge upon the commodities, so that if the determination of the House should ultimately be to adopt the proposition of the Government, the intentions of the House may not be evaded by the withdrawal of the commodities out of bond. That being the intention of the vote, I must decline to discuss the merits of the Resolution at the present moment, for, if I did so, every Gentleman would have a right to complain of it as a breach of faith on the part of the Government. For this reason, I beg leave entirely to decline discussion until we arrive at the stage to which my noble Friend has already adverted, when the question may be raised and fully considered. On the part of the Government, of course, I meet the Amendment with a negative, and adhere to the Resolution as it stands.

MR. DISRAELI: I am not going, Sir, to enter into a discussion of the merits of the Resolution now before the Committee, but I merely rise to repeat the suggestion which I made last night, that the consideration of this Resolution should be postponed. The ground upon which that suggestion was met by the Government was, that there was no precedent for such postponement. Of course, it was not possible to answer a reply of that kind immediately, because it was not in my power at the moment to consult precedents on a subject which I thought of very great importance. Considering the unexpected character of the proposition of the Government—considering that it unhappily reopened the whole of that industrial question which has so often been discussed in this House—considering that, in a manner most impolitic, it brought a controversy again upon the carpet of Parliament which I thought had for ever disappeared—and considering, more especially, that unanimity was most desirable throughout the country when a tax of this nature should be brought forward, I was in hopes that the right hon. Gentleman the Chancellor of the Exchequer, and the noble Lord the Member for London, would have assented to postpone this Resolution, in order that the whole question of the financial scheme of the Government might be discussed together. I will now mention briefly precedents which I think are the highest authority for the course which I suggested, and which the right hon Gentleman informed me last night did not exist. I will not go into old precedents, but I shall take those which more particularly have reference to the course taken by Governments with which either the right hon. Gentleman the Chancellor of the Exchequer or the noble Lord (Lord J. Russell) was connected. In 1840, with a Government with which the noble Lord was connected, the then Chancellor of the Exchequer, who is now in the House, proposed, upon Friday, the 15th of May, a Resolution in Committee of Ways and Means, for an increase of 5 per cent upon the Customs duties. That Resolution was not reported until Tuesday, the 19th, although the House sat upon the intervening Monday. That was a precedent afforded by a Whig Government. Here is another precedent drawn from a Government of which the right hon. Gentleman the Chancellor of the Exchequer was a Member. This, certainly, is one of the advantages which we have in arguing a point of this description before a Coalition Government. In 1842, upon the 4th of April, there was a Committee of Ways and Means upon the income tax and upon the Irish stamp duties. That Resolution was not reported until the 13th of April. I am aware that the noble Lord may tell me that the interval was occupied in discussions upon the income tax Resolution. That is true; but during the whole of that time the Resolution upon the Irish stamp duties, with respect to which there was no opposition, was also hung up, and it likewise was not reported until the 13th of April. I have now brought for the consideration of the House two important and effective precedents in favour of the course which I recommended last night, when the Government stated that no such precedents existed. All that I myself seek is, that the scheme of the Government shall be fairly discussed in this House as a whole. I know that they may tell me that the House is pledged to nothing by reporting this Resolution. We know, on the contrary, that no discussion on the malt tax can take place until the second reading of the Bill, that a considerable interval will elapse, that great misconception will exist in the country, and that, practically, as in the case of the Resolution respecting Exchequer bonds, although the House is not pledged to assent to the proposition, the Minister will always appeal to a Resolution to that effect having been passed in Committee and reported to the House. I must still urge upon the Government the postponement of this Resolution. If they will consent to postpone it till Monday I shall support the Government; but if, on the contrary, they will not assent to a proposition so reasonable, and enforced by such high authority and precedents, then, to prevent myself from any misconception, I must support the Amendment of my hon. Friend (Mr. E. Ball); because I cannot but feel that much apprehension will exist upon this subject throughout the country; and I do not wish it for a moment to be supposed that I, at least, can in any way assent to the increase of a tax which I believe now to be most improperly and unjustly imposed.

LORD JOHN RUSSELL: Sir, I thought that the Committee of the whole House had agreed last night that, though the formal Resolution might be agreed to and be reported, yet that the whole question of the Chancellor of the Exchequer's plan of finance should be discussed on Monday next. It appears now that the right hon. Gentleman (Mr. Disraeli) is disposed to recede from that engagement, and to make new objections to the course which we have proposed. His only ground for proceeding in that course is, that we had supposed that there were no precedents for any other course than that which the Government proposed, whereas he has found several precedents, as he alleges, for a different course. I must say that those precedents are entirely inapplicable. They are precedents with regard to the Irish Stamp Acts and to the income tax, and are totally different from the proposition now before the House. [MR. DISRAELI: They apply to the Customs duties and to spirits.] The question before the House at present relates to a practical injury which the public would suffer if this Resolution were not agreed to. I mean supposing always that the House should ultimately agree to the plan of my right hon. Friend. The precedents which were chiefly looked to by us were those of 1801, of 1802, and of 1819, all of which are precedents with regard to malt. In 1802, the malt duty was raised from 1*s.* 4¼*d.* to 2*s.* 5*d.*; and in 1819, it was further raised from 2*s.* 5*d.* to 3*s.* 7¾*d.* Upon both those occasions, and upon the other occasion to which I have referred, the Resolution which was agreed to upon one day was reported upon the next. The consequence of not doing so would be either a very great loss to the revenue, or very great irregularity on the part of the revenue officers. The revenue officers, no doubt, might act upon the Resolution of a Committee of the whole House; but that Resolution, not having been approved by the whole House, would not, as I conceive, be an authority which might afterwards be considered sufficient. If, however, they did not act upon it, there would probably be a very great loss of revenue. The chairman of the Board of Inland Revenue has calculated that the consequence of the delay of a week in collecting this duty would involve a loss of no less than 250,000*l.* Now, I put this to hon. Gentlemen opposite, who say—and I am quite ready to admit the truth of it—that they have been ready and willing to give us every assistance in the exertions which we have been called upon to make in the prosecution of the war: I ask them now, will they depart from that honourable course? Will they deprive the Government of 250,000*l.* of revenue for the sake of—it is difficult to define what—for the sake of debating a Resolution upon Monday next rather than the second reading of a Bill? If they have then before them the second reading of a Bill imposing new duties upon malt, they may throw out that Bill, and they may reject the duty altogether, in which case the persons who have paid it would, no doubt, be reimbursed the amount which they had paid; but if, on the other hand, they approve the duty, they might pass the Bill, and they would have the consolation of thinking that 250,000*l.* of revenue had not been lost to the Government. I own I cannot conceive, under these circumstances, why hon. Members can refuse to accede to the passing of the formal Resolution. I can assure the right hon. Member for Buckinghamshire that no person on this side of the House, neither my right hon. Friend the Chancellor of the Exchequer nor either of his Colleagues, will take any advantage of this permission. They will not say, because the Resolution passed, that the House approved the scheme of increasing the malt tax; on the contrary, it will be admitted that the passing of the Resolution was necessary to carry into effect the duty of the revenue, and the whole question can be fully discussed on Monday next. I must, in conclusion, say that this is the understanding which I thought was come to last night. It will be a great loss to the revenue, or a great irregularity, to attempt to collect the duty without the passing of this Resolution; and, at all events, I am greatly surprised at the course which hon. Members are now attempting to pursue.

Sir JOHN SHELLEY said, that he quite agreed with the noble Lord in considering that the Resolutions were now to be passed *pro formâ*, and that on Monday the whole question was to be fully discussed on the second reading of the Bill. He would not now lend himself, by voting with the hon. Member for Cambridgeshire (Mr. E. Ball), to an attempt to take the House and the Government by surprise.

Mr. HENLEY said, he should positively deny that they had come to any understanding to the effect that the Resolution was not to be opposed that evening. He would not at that moment enter into a discussion of the general question; but as he had not been a party to any understanding with the noble Lord, he felt himself at perfect liberty to support the Amendment of his hon. Friend the Member for Cambridgeshire.

Mr. GOULBURN said, that as he was not present during the debate of last night, he could not say whether any understanding was come to, but it appeared to him that if they were to act upon rational principles they could not resist the request to pass the Resolution. If they were not to do so, the whole of the stock now in hand would go out and be charged at full prices, including the duty, and the question to consider was, whether the Government would be enabled to levy for the public service 250,000*l.*, or whether, by a delay in coming to a decision, they would allow the maltsters to put that sum into their own pockets at the public expense?

Mr. BARROW said, he agreed with the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), that they had not come to any agreement on the preceding evening to the effect that that Resolution should not be discussed whenever it might be brought before the House. He must entirely dissent from what the right hon. Member (Mr. Goulburn) had stated would be the result of the postponement of the Resolution. The noble Lord (Lord John Russell) had stated that there was a wide difference between the present occasion and the precedents cited by the right hon. Member for Buckinghamshire (Mr. Disraeli), but that difference consisted in this—that on the former occasion a sum of 5 per cent would have been lost in the interval between the passing of the Resolution and the bringing up of the Report, while on the present occasion the sum of 50 per cent was involved in this question.

Sir CHARLES WOOD said, he perfectly agreed with the hon. Member who had last addressed the House that on the former occasion the small sum of 5 per cent would have been lost, while on the present the loss to the public would be 50 per cent, and this sum of 250,000*l.* would not be put into the pockets of the landed gentry, but most probably into the pockets of the malsters. Last night, when the right hon. Member opposite (Mr. Disraeli) appealed to the Government, and was told by the noble Lord (Lord J. Russell) that no person would be pledged by his vote on this Resolution, that right hon. Member sat down apparently satisfied, and did not express a single objection to the course Government proposed to adopt. He could not, therefore, look upon the present otherwise than as an attempt to take the House by surprise.

Question put, "That the words proposed to be left out stand part of the Resolution."

The House *divided*:—Ayes 224; Noes 143: Majority 81.

List of the AYES.

Acland, Sir T. D.
Alcock, T.
Anderson, Sir J.
Atherton, W.
Ball, J.
Baring, H. B.
Bass, M. T.
Beamish, F. B.
Beckett, W.
Berkeley, Adm.
Berkeley, C. L. G.
Bethell, Sir R.
Biggs, W.
Blackett, J. F. B.
Blandford, Marq. of
Bonham-Carter, J.
Bouverie, hon. E. P.
Boyle, hon. Col.
Bramston, T. W.
Brotherton, J.
Brown, W.
Bruce, Lord E.
Buckley, Gen.
Byng, hon. G. H. C.
Cardwell, rt. hon. E.
Cavendish, hon. G.
Challis, Mr. Ald.
Chambers, M.
Chaplin, W. J.
Clay, Sir W.
Cockburn, Sir A. J. E.
Cogan, W. H. F.
Collier, R. P.
Cowper, hon. W. F.
Craufurd, E. H. J.
Crossley, F.
Currie, R.
Dalkeith, Earl of
Dalrymple, Visct.
Denison, E.
Denison, J. E.
Dent, J. D.
Divett, E.
Drumlanrig, Visct.
Drummond, H.
Duff, G. S.
Duff, J.
Duncan, G.
Duncombe, T.
Dundas, G.
Dunlop, A. M.
Egerton, W. T.
Egerton, E. C.
Elcho, Lord
Ellice, rt. hon. E.
Ellice, E.
Elliot, hon. J. E.
Elmley, Visct.
Emlyn, Visct.
Euston, Earl of
Ewart, W.
Fagan, W.
Feilden, M. J.
Fergus, J.
Ferguson, J.
Fitzgerald, J. D.
Fitzroy, hon. H.
Foley, J. H. H.
Forster, C.
Forster, J.
Fortescue, C. S.
Freestun, Col.
Gallwey, Sir W. P.
Gardner, R.
Geach, C.
Gladstone, rt. hon. W.
Glyn, G. C.
Goodman, Sir G.
Goulburn, rt. hon. H.
Gower, hon. F. L.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Greene, T.
Gregson, S.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Earl
Hadfield, G.
Hall, Sir B.
Hankey, T.
Hanmer, Sir J.
Hastie, Alex.
Hastie, Arch.
Heard, J. I.
Heneage, G. F.
Herbert, H. A.
Herbert, rt. hon. S.
Hervey, Lord A.
Heyworth, L.
Higgins, G. G. O.
Hindley, C.
Horsfall, T. B.
Horsman, E.
Howard, hon. C. W. G.
Howard, Lord E.
Hughes, W. B.
Hume, J.
Hutt, W.
Jermyn, Earl
Johnstone, J.
Keating, H. S.
Keogh, W.
Kershaw, J.
Kinnaird, hon. A. F.
Labouchere, rt. hon. H.
Langston, J. H.
Langton, H. G.
Laslett, W.
Lawley, hon. F. C.
Layard, A. H.
Lee, W.
Liddell, H. G.
Liddell, hon. H. T.
Locke, J.
Lockhart, A. E.
Luce, T.
Mackie, J.
Mackinnon, W. A.
MacGregor, Jas.
MacGregor, John
Marshall, W.
Martin, J.
Massey, W. N.
Matheson, A.
Miall, E.
Milligan, R.
Mills, T.
Milner, W. M. E.
Milnes, R. M.
Molesworth, rt. hn. Sir W.
Monck, Visct.
Moncreiff, J.
Montgomery, Sir G.
Mowbray, J. R.
Muntz, G. F.
Mure, Col.
Norreys, Lord
Norreys, Sir D. J.
O'Brien, P.
O'Brien, Sir T.
O'Connell, D.
O'Connell, J.
O'Flaherty, A.
Oliveira, B.
Osborne, R.
Otway, A. J.
Paget, Lord A.
Palmerston, Visct.
Pechell, Sir G. P.
Peel, F.
Pellatt, A.
Pennant, hon. Col.
Peto, S. M.
Philipps, J. H.
Phillimore, R. J.
Phinn, T.
Pigott, F.
Pilkington, J.
Ponsonby, hon. A. G. J.
Portman, hon. W. H. B.
Price, W. P.
Ricardo, J. L.
Ricardo, O.
Rice, E. R.
Rich, H.
Richardson, J. J.
Roche, E. B.
Russell, Lord J.
Russell, F. C. H.
Sadleir, Jas.
Sawle, C. B. G.
Scholefield, W.
Scobell, Capt.
Scully, F.
Scully, V.
Seymour, Lord
Seymour, W. D.
Shafto, R. D.
Shelley, Sir J. V.
Sheridan, R. B.
Smith, J. A.
Smith, rt. hon. R. V.
Stafford, Marq. of
Stanley, hon. W. O.
Stirling, W.
Stickland, Sir G.
Strutt, rt. hon. E.
Stuart, Lord D.
Talbot, C. R. M.
Thicknesse, R. A.
Thompson, G.
Thornely, T.
Tynte, Col. C. J. K.
Uxbridge, Earl of
Villiers, rt. hon. C. P.
Vivian, J. H.
Vivian, H. H.
Walmsley, Sir J.
Walter, J.
Whitbread, S.
Wickham, H. W.
Wilkinson, W. A.
Willcox, B. M.
Williams, M.
Williams, W.
Wilson, J.
Winnington, Sir T. E.
Wise, A.
Wood, rt. hon. Sir C.
Wrightson, W. B.
Wyndham, W.
Wyvill, M.
Young, rt. hon. Sir J.

TELLERS.

Hayter, rt. hon. W. G.
Mulgrave, Earl of

List of the Noes.

Adderley, C. B.
Alexander, J.
Archdall, Capt. M.
Bagge, W.
Bailey, Sir J.
Bailey, C.
Baillie, H. J.
Baird, J.
Baldock, E. H.
Bankes, rt. hon. G.
Barrington, Visct.
Barrow, W. H.
Beach, Sir M. H. H.
Bective, Earl of
Bellew, T. A.
Bennet, P.
Blair, Col.
Boldero, Col.
Booker, T. W.
Booth, Sir R. G.
Buck, L. W.
Buller, Sir J. Y.
Butt, G. M.
Campbell, Sir A. I.
Carnac, Sir J. R.
Cecil, Lord R.
Chelsea, Visct.
Child, S.
Christopher, rt.hn. R.A.
Clinton, Lord C. P.
Clive, R.
Cocks, T. S.
Codrington, Sir W.
Coles, H. B.
Compton, H. C.
Davison, R.
Deedes, W.
Dering, Sir E.
Disraeli, rt. hon. B.
Dunne, Col.
Du Pre, C. G.
Egerton, Sir P.
Evelyn, W. J.
Farrer, J.
Fellowes, E.
Filmer, Sir E.
Floyer, J.
Forbes, W.
Forester, rt. hon. Col.
Forster, Sir G.
Frewen, C. H.
Fuller, A. E.
Galway, Visct.
Gaskell, J. M.
George, J.
Gilpin, Col.
Graham, Lord M. W.
Granby, Marq. of
Greaves, E.
Greene, J.
Grogan, E.
Halford, Sir H.
Hall, Col.
Hamilton, G. A.
Hamilton, J. H.
Hanbury, hon. C. S. B.
Harcourt, Col.
Hawkins, W. W.
Hayes, Sir E.
Henley, rt. hon. J. W.
Herbert, Sir T.
Irton, S.
Jolliffe, Sir W. G. H.
Jones, D.
Kelly, Sir F.
Kendall, N.
Ker, D. S.
King, J. K.
Knatchbull, W. F.
Knightley, R.
Knox, Col.
Langton, W. G.
Lennox, Lord A. F.
Lisburne, Earl of
Long, W.
Macartney, G.
Malins, R.
Mandeville, Visct.
Manners, Lord G.
March, Earl of
Meux, Sir H.
Miles, W.
Michell, W.
Montgomery, H. L.
Morgan, O.
Mullings, J. R.
Mundy, W.
Naas, Lord
Neeld, J.
Noel, hon. G. J.
North, Col.
Oakes, J. H. P.
Packe, C. W.
Pakington, rt. hon. Sir J.
Palk, L.
Palmer, R.
Parker, R. T.
Pollard-Urquhart, W.
Portal, M.
Pugh, D.
Rolt, P.
Scott, hon. F.
Seymer, H. K.
Sibthorp, Col.
Smijth, Sir W.
Smith, W. M.
Somerset, Capt.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Taylor, Col.
Thesiger, Sir F.
Tollemache, J.
Tomline, G.
Trollope, rt. hon. Sir J.
Tudway, R. C.
Tyler, Sir G.
Vance, J.
Vane, Lord A.
Vansittart, G. H.
Vernon, L. V.
Vyse, Col.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Walsh, Sir J. B.
West, F. R.
Whitmore, H.
Wyndham, Gen.
Wynn, Major H. W. W.
Wynne, W. W. E.
Yorke, hon. E. T.

TELLERS.
Ball, E.
Bentinck, G. P.

Resolution *agreed to.*

The CHANCELLOR of the EXCHEQUER, in reply to a question from Mr. Dunlop respecting the Resolution on the sugar duties, said, that in the statement which he had the honour of making last night he had proposed a certain scale of duties on sugar irrespective of origin, and that scale of duties was to have taken effect immediately. The objection taken to this by the hon. Member for Huntingdon (Mr. T. Baring) was, that, as there was still a period of eight or nine weeks during which those persons interested in colonial sugar had a right to anticipate, under the sanction of the faith of Parliament, a continuation of the differential duties, the Government had, under these circumstances, given way, and had framed a Resolution by which it was proposed to raise 15 per cent additional duty on the sugar duties as they now existed. The Resolution contained no reference to the time, but it was drawn up in that respect with due regard to precedent. The proper period for limiting the time would be when the Resolution was introduced in the form of a Bill. At that stage an enactment would be proposed limiting the time to the 5th of July, and they would likewise propose that after the 5th of July the scale of duties which he had last night proposed to the House should come into operation.

Mr. BAILLIE said, he wished to know if the definitions of the different classes of sugars as now understood were to be maintained?

The CHANCELLOR of the EXCHEQUER said, he had last night mentioned the subject of the standards of sugar that divided class from class, and that it was intended to consider and modify those standards. The alteration in the standards that would take place would be an alteration of no great effect, but, so far as it went it would be found to be in favour of sugar of the lower qualities.

Subsequent Resolutions *agreed to.*

Bill or Bills *ordered* to be brought in by Mr. Bouverie, Mr. Chancellor of the Exchequer, and Lord John Russell.

THE ORANGE RIVER TERRITORY.

Mr. ADDERLEY said, he would now beg to move the Address of which he had previously given notice. It was so far fortunate that this Motion had not been brought forward before that evening, because by the mail of that day he had been enabled to receive important intelligence from the Colony. He had received two important petitions, not dictated by the self-interest of the territory in question, but from Cape Town and from Port Elizabeth, both advocating very strongly the views which he held; and he found, also, by the proclamation of the Governor, that the abandonment of which he complained extended, not only to a renunciation of territory, but to a clear and explicit dissolution of the allegiance of the subjects to Her Majesty. The Government had done this in direct opposition to the wishes of the Colonists, and had even threatened the interference of the military to carry out the Provisional Government which had been summarily formed. One of the first acts of the Provisional Government was to draw a cordon round the territory to prevent any other English subjects coming into the province to participate in the share of the gold lately found in the soil; and in the midst of this state of things the Governor carried away with him all Her Majesty's troops, leaving the province in a state bordering on civil war. His object, however, in bringing forward the present Motion for an Address to the Throne was simply to vindicate the right of the people of this country to a voice in the disposal of the dominions of the Crown. If there was no such right in the people of England—if the prerogative extended to the disposing of any part of the settled territories of the Crown without any consultation of Parliament, what use was there in our going to war from the apprehension that there were dangers hanging over distant territories, when there was as much danger to them from the caprice of the Colonial Minister at home? Why take so much care of Canada when the Ashburton Treaty might at any time be superseded by the authority of the Crown? Of what use was it to spend millions on Kafir wars in order to secure territory, which the Minister of the Crown might acquire merely for the sake of abandoning? That was a great constitutional question; and, at all events, he thought the present mode of settling it involved rather a dangerous precedent. He would briefly state the history of the case before them, which was embraced in four epochs. The first of these was the occupation of the territory, and the Act of Parliament which was passed at the same time in relation to it; the second included the treaties entered into between this country and the native chiefs; the third referred to the proclamations, and charters assuming the sovereignty of the country; while the fourth epoch had reference to the steps which had been taken to abandon the territory. In the first place, what was the cause of the occupation of the territory? It was the emigration of British subjects from other parts of the Colony in disgust and irritation at what was now considered an exploded colonial policy of the Government—a system which very naturally irritated the Colonists. He was told that the remonstrants with whom he was in communication in the Colony were not to be trusted; but these men were now, by the election of their fellow-citizens, at the head of affairs in the Colony. In this period of the history the Act of Parliament formed an important feature—namely, the 6 & 7 *Will.* IV., which extended the jurisdiction of British courts over the whole of the territory in question. The second epoch, which related to the treaties made in 1845 with the native chiefs by Sir Peregrine Maitland, was also of great importance; for, though that House might think treaties entered into with barbarian chiefs matters almost ludicrous and of small importance, yet it was a more generous sentiment, and more becoming a great country, that the more insignificant the people we volunteered to treat with, the more particular ought we to be in adhering to our treaties. For his part, he would not, for all that England possessed, that the Queen of Great Britain should teach barbarous chieftains the art of perfidy. The third epoch was the period of the proclamation of sovereignty, in 1848, and of a second proclamation completely forming and establishing a Government, followed as the two proclamations were by a rebellion caused by the haste and precipitation, if he might not say the absurdity, of the mode in which those proclamations were carried out—a rebellion which was only put down by the strong hand of victory. These proclamations in 1851 were covered and ratified by the Crown itself under a charter. The last epoch was that of the renunciation of the territory in 1852. Earl Grey began to feel disgust, based upon fallacious reports of discontent, and sought to abandon that which Sir Harry Smith had equally hastily assumed. Earl Grey proposed to abandon this territory without the slightest necessity; it was not suggested during a time of war, but in a period of peace; it was not a cession to another allegiance, but an absolute abandonment of the country as *derelict*, and a leaving of the inhabitants to search for another allegiance wherever they might find a Power with more spirit to protect them. He did not now, however, enter into the question whether the occupation was desirable, or whether the abandonment was desirable. The question was, whether territory so annexed by the Crown as this was could be so abandoned? He would not dispute that by law, precedent, habit, and necessity, the Crown might have a right to dispose of places of arms, military forts, and the trophies of war. Of the disposal of such places as Calais, Dunkirk, Tangiers, and other similar places there might be no doubt. But, with regard to Gibraltar, though a mere military station, the House would recollect that in the early period of last century Parliament interfered in time to prevent the unpopular proposition of the Minister of the day to abandon that post. In 1721, it was moved in the House of Commons, by Mr. Sandys, that there should be produced—

> "The copy of a letter of the Duke of Newcastle which was asserted to be a promise on which the King of Spain founded his demand for the restitution of Gibraltar, so solemnly yielded to the Crown, and afterwards confirmed to Great Britain."

It then appeared that a letter had been written by the King of Great Britain in which he assured the King of Spain of "his readiness to satisfy him of his making use of the first favourable opportunity with consent of Parliament." Now, if Parliament was so sensitive then that it would not allow the King of Great Britain to cede such a place as Gibraltar to Spain, so that the King had to watch for a favourable opportunity in order to get the assent of Parliament, and Parliament took care not to give him that opportunity, *à fortiori* it might be called in question whether the Crown had a right of its own discretion to cede places occupied territorially by British subjects. He hoped the Parliament of the present day would not show itself so much less sensitive on such a point than the Parliament of 1721. He did not now speak of places taken in war, nor of forts or places of arms, but of a territory which had been wholly and completely annexed to the Crown, and settled by British subjects under the allegiance of the Crown. He was not bound to prove that this territory had been annexed by the Crown, for that fact had been assumed and taken for granted in all the documents that were before him. But even if there were doubts on this point, would not these doubts be the best possible reason for an Act of Parliament on the subject? He would ask, moreover, whether Ministers were prepared to say that the Queen had assumed this territory by proclamation and treaty, had exercised all the functions of sovereignty in it for six years, and then, at the end of the six years found that all her proclamations, treaties, contracts, and engagements were a sham and a delusion, and that the territory was never annexed at all? With regard to the treaties, he begged to point out this—that those treaties never applied to more than half the territory; that not more than half the territory was ever even claimed by any chief, so that no treaty with any chief was ever supposed to affect it. Those portions, at all events, were held as a colony by occupation on the part of the Crown and settlement by British subjects. He was aware that there had been much difference of opinion among the Crown lawyers as to what constituted a colony by occupation on the part of the Crown; but, whatever doubt there might be on this point, he defied any one to say that this was a colony by right of conquest; yet it had been absolutely declared to be a colony by conquest. It was said by a revised decision of the Colonial Crown lawyer to be a colony by cession; so they had authority for taking every possible view of the Orange River territory as a colony—namely, as by occupation, conquest, and cession, and all three had been asserted by Crown lawyers. But they were not aware that one-half the territory could not be held by the same tenure as the other half. In addition to the abandonment of this territory he had now, however, to contend against the Crown absolving its subjects from their allegiance. Allegiance was a contract between the Crown and its subjects. Protection and subjection were reciprocal obligations, and neither party could get rid of the contract with the other. Some people were heard to say, "What the Crown assumes the Crown may resign;" but, in this case, the Crown did not resign the same thing that it assumed. It assumed sovereignty, it resigned allegiance; it assumed a right, but it resigned a contract. He might appeal to Grotius as an authority against the course taken by the Government. The Chief Commissioner of the Woods and Forests (Sir W. Molesworth) smiled at the name of Grotius; perhaps he would be more disposed to listen to the opinion of a supporter of the Government, namely, the hon. and learned Member for Plymouth (Mr. Roundell Palmer). He (Mr. Adderley) had advised the delegates who are now in England from the Orange River territory to take the opinion of the most eminent lawyers on the subject. Agreeably to his advice the opinion of the hon. and learned Member for Plymouth had been taken in consultation with Mr. Willes, and, although he could not read to the House the opinion of those gentlemen, yet he could put the House in possession of the substance of such opinion as stated in consultation last night. Such substance was, that the Orange River territory had been fully recognised as a colony, and that, in the opinion of the learned counsel, it was a colony by cession; secondly, that the Crown could not by virtue of its prerogative by law constitute any branch of its subjects an independent State; and, thirdly, that the Crown could not without the aid of Parliament cede its sovereignty to any independent Power, much less to any of its own subjects.

He would refer the House to the discussions which took place in the House of Lords, in the year 1783, relative to the treaty of Paris, and he would especially call attention to the opinions then expressed by two of the most eminent men of the day, Lord Loughborough and Lord Thurlow, with reference to the cession in that treaty of Florida to Spain — the former arguing that the Crown had no right to cede its dominion over a territory without the authority of Parliament, the latter, as Lord Chancellor, defending the right of the Crown. As to these two opinions, Lord Campbell, in his *Lives of the Chancellors*, while he admits the success of Lord Thurlow's ministerial defence by simple contradiction and denial, strongly expresses his opinion that his adversary, Lord Loughborough, had the best of the argument. But, even supposing that the Crown had a right to cede a territory to another Power, this did not prove that the Crown had a right to abandon any possession altogether, as was proposed in the present instance. If, however, the Crown had such a power, there was no question but that it ought to be exercised consistently with prudence and good faith. He contended that, granting the power, it had not so been exercised on the present occasion, but had been exerted in every respect illegally and unjustly. It appeared that the Government itself had considerable doubts as to the mode in which they ought to have proceeded, but no defence could be brought forward for the mode adopted. The noble Duke at the head of the Colonial Office had given instructions to a Commissioner (Sir George Clerk) to carry out this transaction in the form of a treaty or convention; and that for this purpose he was to call together a body of Her Majesty's subjects as delegates to be chosen as the representatives of the country; he was to treat them as an independent foreign Power, and to enter with them into a solemn convention for the separation and independence of the country. The treaty lately made with the Transvaal Republic of emancipated rebels was decided to be the best and only precedent to follow. Now, he challenged hon. Members to produce any defence of the mode of procedure which had been so adopted, and the right which Sir George Clerk had thus assumed to himself. What right had Sir George Clerk to call such an assembly together as he had, and under what authority did he act? He looked to the law officers of the Crown to explain these matters, and he hoped, for the credit of the country, that they would do so clearly and distinctly. He would remind the House, also, of the Act of Parliament 6th and 7th of William IV., which had asserted a distinct jurisdiction over the whole of this territory, and he would ask whether it was to be understood that with the cession of the territory this and all other Acts overriding it ceased to be operative? This was not so in the case of the independence of America, with respect to which an Act of Parliament was thought necessary to specifically repeal all such Acts; and, if this were the case with regard to America, why not so with this colony? But besides the assumption of a power of dereliction of territory and repeal of Acts, the treaties of the Crown with the chiefs had been violently set aside. Now, it should be remembered, with respect to these chiefs, that they were generally but little acquainted with the nature of such treaties, and that they very imperfectly understood the technicalities of the contracts into which they had entered; but this was no reason why they were to be invited to enter into them, and ousted at our convenience. It would be most unhandsome and ungenerous in the Crown to take advantage of any such ignorance as to terms imposed by itself. He was sorry to see the rights of these chiefs spoken of in so disparaging a manner as they had been, even by General Cathcart himself, who, when speaking of two chiefs who had remained the firmest allies of the English, calls them, now that it is convenient to be rid of them, "men of straw." This was not the way to speak of those who had first been courted as friends, and who had always shown a desire to act faithfully and truly with us. If these treaties should be set aside, the question would naturally arise—could not all the grants of land be also set aside? and so the Crown seemed to think, as the present settlers held their lands by grants in perpetuity from the Crown which was now abandoning them. Again, he would ask, in this matter, was it wise or politic not to have consulted the Cape colonists themselves on the subject? If this had been done, Government might soon have learnt how strong an objection existed in Cape Town itself relative to it, and what was the general impression throughout the Colony with respect to the measure. All the leading colonists had expressed themselves in strong terms against the abandonment of the Orange River Sovereignty as an act which would endanger their own territory. He thought he could show that there was in point of fact no step between the abandonment of the Orange River Sovereignty and the abandonment of the whole Cape Colony. At all events it would have been gracious, wise, and politic, to have consulted the newly established Representative Assembly of the Cape. There was this unfortunate consequence of the Cape colonists not having been consulted, that if their territory was endangered by the abandonment of the Orange River Sovereignty, the mother country, having acted simply by its own judgment and authority, would be bound to protect them from the consequences of its Act. The worst part of the whole transaction, however, was the winding up of it, and he considered nothing could be more disgraceful than Her Majesty's final exit from the territory, and the unseemly precipitancy of it. What excuse was there for leaving this country without any protection whatever, and exposed to all the horrors of a civil war, the certain inroads of irritated tribes, and the aggression of the Dutch rebels whom our former impolicy had already rendered independent?

So far he had spoken as to the illegality of this transaction, and he would now call the attention of the House to the inexpediency of it—and, in doing so, it was requisite to consider the great authorities who had advocated these principles of abandonment, or argued against them. Two years ago, when Earl Grey changed his policy from annexation to renunciation, the excuse he gave was, that he had been mistaken as to the wishes of the inhabitants of the country. But Mr. Greene, the assistant commissioner, took a diametrically opposite view, and stated to Lord Grey that the discontent of the people was caused simply by the radical defects of his own policy. If so, surely that was no reason for renouncing the territory; it was rather a reason for improving the administration of the country. Again, the Duke of Newcastle recommended this hasty abandonment of the territory, because he was afraid of the great cost which it might throw upon the mother country, and also because of the liability which we should incur with regard to frontier contests. It could be proved, however, that the cost of the abandonment would be far greater than the cost of the retention of the territory. The Governor of the Colony and Sir George Clerk had both declared that the abandonment could not be carried out without large compensations to those whose interests might be injured by such a proceeding; and he would venture to say that, supposing the Duke of Newcastle were to advise the Queen to pay even one-third of the debts which she would honourably incur by this wholesale infraction of contracts in the Orange River Sovereignty and in the way of compensations, this alone would exceed the expense of retaining that country. Another item of expense would be the establishment of a consul and a British resident, whose position, moreover, could not fail to implicate the mother country quite as much in the affairs and expenditure of the Orange River Sovereignty as if Her Majesty retained it in her own possession. Indeed, our liabilities had already commenced, for he had read, in the mail which had arrived that day, that a grant of 6,000*l.* had been given by Sir George Clerk to enable the Provisional

Government to start; and he understood that it was proposed to give a large sum annually to the burgher force of the country, upon their consenting to place themselves under arms. That certainly was not very encouraging as to the economy of the abandonment. Better abandon the expenses and retain the sovereignty. Let them now consider what the cost of the retention of the territory would be. Sir Harry Smith had declared his opinion that, if a representative constitution were granted to the inhabitants, they would not cost the mother country one farthing, either for the defence or the government of the country. All they would require would be a body of 500 men, until such time as they should be able to organise their own forces. He hoped he had shown that it was at any rate doubtful whether the cost of retention would be greater than the cost of abandonment. With respect to the other reason assigned by the Duke of Newcastle—the expense of frontier contests—he was not sure that that expense would not be increased rather than diminished by the abandonment of the territory. It was the opinion of the highest authorities in the Colony, that the first consequence of its abandonment would be a union of the inhabitants on both sides of the Vaal, and that a republican form of government would be established. In a despatch from the Governor of the Cape, it was stated that the chief Moshesh was avowedly endeavouring to unite the black population southwards, and that a balance of power was desirable to obviate the necessity of any interference for the protection of the coloured races now Her Majesty's subjects, who, absolved from allegiance at the will of the British Government, would consider themselves entitled to claim protection. Lord Grey himself said, that he was aware that, until Kafraria was reduced to complete subjection, it might be dangerous, and might ultimately increase, instead of diminishing, the difficulties to be contended with, if any course were taken which by these barbarous people might be regarded as showing a deficiency of power in the British authorities. And General Cathcart, in 1852, said that no doubt the unfortunate men who were called into action by Warden, and who answered to his call, and who had already suffered much, would, if now left to their fate, be liable to still further retaliation. Would England stand by and see this done? Sir George Clerk, however, consoles us by saying that should it become necessary or expedient to reassert the sovereignty of the British Crown by force of arms, or to reconquer the territory, there would be no difficulty in accomplishing it by 2,000 infantry, and a small force of artillery, in a six weeks' campaign! He would appeal to the noble Lord the Member for London (Lord J. Russell), who used to accuse him of a readiness to let other Powers take the possessions of the English Crown, whether it was not a dangerous thing for a country like this to volunteer the renunciation of a territory held in the manner in which the Orange River territory had been occupied by us? With the renunciation of this territory the whole Colony would ultimately go, because this territory was the key, the centre, the very heart of the whole Colony. The renunciation would immediately isolate Natal. Its possession was most important as forming the only line of internal communication. Its fertility was very great. Every account given of it described it as the most fertile part of the South African continent. It was that part which produced the finest wool pasture, and not the least to be considered was, that gold had recently been discovered there in considerable quantities.

He would now address a word to those who took a general interest in the cause of civilisation and humanity. It was a sentiment entertained by a great number of individuals—by Earl Grey himself, and every succeeding Colonial Minister, and by none with more warmth of feeling than by Sir George Clerk, who declared that the Orange River territory afforded a field, perhaps more favourable to the introduction of Christianity than was ordinarily met with throughout the inhabitants of the world. In the memorials of the British and Foreign Anti-Slavery Society and other bodies, they stated that in our arrangements we had brought the weak into contact with the strong, the uncivilised with the civilised; they hoped not to sacrifice but to ameliorate them. The eastern coast of South Africa was, moreover, the only remaining source of supply to the slave trade, and the only chance of controlling it would be withdrawn by the renunciation of that territory, which gave us a neighbouring outlook and hold upon that traffic. The Dutch had already begun to establish a very large commerce there. He had nothing further to add. The question he had submitted to the

House was a grave political question. If the Government had made up their minds as to the policy they were to pursue, he was ready to sympathise with them. It was a humiliating office to have to carry out a policy which, according to their own account, would endanger the integrity of the empire, leave the property of British subjects exposed to great risks, and impede the cause of religion and civilisation, without even a decent pretext. He was astonished, concurring, as he usually did, with two individuals in the Cabinet on colonial policy—the right hon. Member for Southwark (Sir W. Molesworth) and the right hon. Gentleman the Chancellor of the Exchequer—he was astonished that they should have admitted the principle which the Government had adopted. They used to attribute the troubles of the Colonies to a want of self-government, and propose as a remedy, not reckless abandonment, but relief from needless interference, and concession of self-control and local administration. Now they appeared to suppose that there was no alternative between roughriding a colony and absolutely abandoning it. He would not, however, press this point further. All he at present wished to do was, to bring the question within the cognisance of Parliament, and to call upon it to maintain its right to have a voice in the disposal of any portion of the settled dominions of the Crown.

Motion made, and Question proposed—

> "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to re-consider the Order in Council for the promulgation, on or before the 1st day of August next, of a Proclamation abandoning and renouncing all Sovereignty over the Orange River Territory and its inhabitants."

MR. FREDERICK PEEL said, the hon. Member had impugned first the legality and next the policy and expediency of the course which had been pursued by the Government with regard to the Orange River Sovereignty. It was, however, upon the legality of that course—the competency of the Crown to abandon the territory—that the hon. Gentleman laid his principal stress; and perhaps it might in part explain the secondary importance which the hon. Member attached to the expediency and policy of the measure, that in the course which the present Government had taken they had only carried out what was generally understood to be the determination of the late Government, whose policy, he believed, was to abandon the Orange River Sovereignty. Now, what was it that the Crown had done? It had passed an Order in Council which authorised its Commissioner in the Orange River territory to issue within a specified time a proclamation by which the Crown abandoned its sovereignty over a particular district of country, and, in effect, declared that henceforward it would not hold itself responsible for the protection of those British subjects who might choose permanently to reside beyond the limits of the Orange River, and in the territory which had hitherto been known as the Orange River Sovereignty. He conceived that the Crown was perfectly competent to take that course, and that it was not necessary to have recourse to an Act of Parliament. The history of the Orange River territory was very peculiar. It was a country which had not been acquired by colonisation, it was a country which was not the fruit of voluntary settlement of British subjects; but it was a country which had been acquired by conquest. It had been in our possession for a period only of five or six years, and therefore there was no resemblance between it and Gibraltar, though the hon. Gentleman had had the boldness to compare them together. Gibraltar had been held by us for the long period of a century and a half. He said "the boldness to compare it," because Gibraltar, which was the pride of this country, the ornament of its power, and the key of the Mediterranean, could not for a moment be put in comparison with the Orange River territory, which was valueless as an acquisition, and was but a few years ago a mere desert. He was not surprised, however, that the hon. Member should have instituted such a comparison; for according to him the Orange River territory was salubrious in its climate, extremely fertile in its soil, and rich in its mineral treasures. He could only say that the hon. Gentleman was greatly indebted to his imagination for the description he had given of the territory, which in reality possessed very few of those attractions which he believed were to be found in it. But there were other peculiarities in the case. This territory had never been made a colony; it remained a conquest; and the English law had never been planted in it, because under the proclamation of Sir Harry Smith the law in force in that country was the Roman-Dutch law. It was a country, moreover, to which the Crown had never granted any regular constitution, because, though it was true that letters patent were issued by the Crown, conceding a constitution, yet those letters happening to arrive at the Cape simultaneously with the breaking out of the Kafir war, Sir Harry Smith suspended their promulgation, and they were never brought into force at all.

Under these circumstances he conceived that the Crown was competent to alienate the Orange River territory. It was a question of the alienation of a portion of its dominions. Were there any precedents for such a proceeding on the part of the Crown? He would take the case of the islands of Tobago and Minorca. Tobago was ceded to this country by the treaty of Paris, in 1763. It remained in our possession for a period of twenty years, and throughout the whole period of the American war, and yet, by the treaty of Versailles, in 1783, without any authority from Parliament, the Crown ceded that island to the Government of France, making no other provision for the British subjects who had settled in the island except this, that the French King should respect and maintain their titles to property, and should allow them, if they chose, to sell their estates and leave the island. The case of Minorca was even a stronger one, because that island was in our possession for a period of nearly seventy years. It was ceded to this country by the treaty of Utrecht in 1713, and it remained in our possession till near the close of the American war; but in 1783, the Crown, without any authority from Parliament, ceded the island to the Government of Spain. But the hon. Gentleman had argued that this power of alienation by the Crown was exercisable only when the Crown made a treaty of peace. He had admitted that, the conclusion of treaties of peace being a prerogative of the Crown, it followed that the Crown could, in treating with an enemy, alienate a portion of its dominions; but he (Mr. Peel) must say that, unless the Crown had the power by the constitutional limitation of its prerogative of doing any act, it could not do it for the purpose of making a treaty of peace with an enemy. He would put a case. Supposing Parliament were to pass an Act prohibiting Russian vessels from coming into our ports, and it was known that Russia would not make a treaty of peace with us unless that prohibition upon its commerce were removed, would it be considered that, in order to make a treaty of peace, the Crown could dispense with that Act of Parliament? No; the same authority which put on that prohibition would be necessary to take it off. If the hon. Gentleman admitted that, for the purpose of making a treaty of peace, the Crown could alienate a portion of its dominions, it was clear that the Crown had that power for all purposes. He could not admit the authority of Grotius and other foreign writers as to the constitution of this country or the prerogative of the Crown. He conceived a more authoritative declaration of the nature of our title was to be found in the Report of the Privy Council, concurred in by Lord Campbell, in which they stated that they had examined Mr. Porter's argument with all the attention to which it was entitled, but could not concur in its conclusion, being of opinion that the Orange River Sovereignty was to be considered a conquest effected by Her Majesty's arms. If, therefore, the territory was acquired by conquest, and if the hon. Gentleman admitted that it might be ceded to an enemy for the purpose of making peace, it was perfectly clear it could be ceded to those from whom it was acquired, namely, to its own inhabitants. Another proof that it had been considered from the first as a conquered country was to be found in the nature of the constitution granted to it, because, if it had been acquired by occupation, the legislative power could only have been vested in a body elected by the freeholders of the country, whereas the constitution of 1850 vested that power in a Council nominated by the Crown. He conceived, under these circumstances, there could be no doubt that this territory was acquired by conquest. The hon. Gentleman had also referred to the precedent of the United States of America, maintaining that, although the Crown recognised the revolted Colonies as free and independent States, it did so by virtue of an Act of Parliament. But there were many reasons in that case which rendered advisable the interference of Parliament. It was known that the Crown was less disposed than the people to conclude hostilities, and unless there had been a declaration by Parliament of the views of the country, probably that war would not have been so soon brought to a termination. Another reason was, that there was in existence a long series of Acts prohibiting communication with America, and requiring all American produce to be sent to this country; and it could not be supposed that the American Colonies would consent to make peace unless they were assured that those Acts would be repealed and their commerce liberated from restrictions. The hon. Gentleman was of opinion that the Government had acted improperly in not first securing the repeal of the Act of 1836. But that was an Act which empowered the Crown to exercise the jurisdiction of a magistrate beyond the limits of the Cape Colony, and by the 4th section of that Act an important principle was laid down as to what ought to be the policy of this country—

> "that nothing therein contained should extend to invest His Majesty with any claim or title to dominion or sovereignty over such territories aforesaid, or derogate from the rights of the tribes or people inhabiting them."

It was to be regretted that England had not adhered to the policy enunciated in that Act of Parliament. He wished we had never crossed the Orange River, but had been content with that magisterial jurisdiction which Parliament vested in the Government for the purpose of punishing acts of aggression committed by British subjects on the natives, and had not proceeded to assume sovereignty over the country. It was not, however, necessary to repeal the Act; because if they abandoned the Sovereignty, all that the Crown would have to do would be to abstain from issuing Commissions to persons residing within the Sovereignty, authorising them to send offenders to the courts of the Colony to be tried there. The hon. Gentleman had stated very truly that no British subject could divest himself or be divested of his allegiance except by the concurrence of Parliament. Government had not attempted anything of the kind. The alienation of territory was one thing; the casting off allegiance was another. All that the Crown had done was to relieve the inhabitants of that country from their subjection, and for that they found an apt and close precedent in what was done in 1852 with regard to Boers beyond the Vaal, when a convention was entered into recognising their independence and relieving them from subjection to the Crown. The hon. Gentleman asked, was it intended that the people should remain British subjects and yet become the subjects of another country? He answered that question, by asking, what disadvantage was there in their remaining British subjects? Surely the Boers would find no more inconvenience from being British subjects than the millions of British subjects in America at this moment who had emigrated to that country. But with regard to that point he had no hesitation in saying that if it was the desire of these parties to be relieved from their allegiance, the Government would consider whether they would not introduce an Act for the purpose. [Mr. ADDERLEY: The proclamation does it.] The hon. Gentleman, he apprehended, was mistaken. The proclamation could not do it. Should these parties be relieved from the liability of British subjects, they would be made aliens, incapable of inheriting lands from their relatives in the Cape Colonies. They had many relatives in the Cape Colonies, and it was natural to suppose they would wish to retain the advantage of taking property left to them by their relatives. For that reason the Government had abstained from introducing an Act for the purpose of casting off their allegiance; but if they desired to become aliens the Government would consider the propriety of bringing in a Bill for effecting that object. At the same time, he felt certain that the House would see the question was entirely a legal question—one, of course, which he was imperfectly qualified to argue. All he would say was, that the Government had proceeded on the advice of the law officers of the Crown, and he had no doubt, if the soundness of that advice was called in question by any hon. Member, the law officers of the Crown would be able to vindicate themselves, and to show that it was perfectly compatible with the Constitution and prerogatives of this country. As regarded the question of policy, he would briefly state the motives which had influenced the line of conduct that had been pursued. The hon. Gentleman complained that the Government did not refer this question to the Cape Legislature; but the Government considered it to be essentially an Imperial question—a question in which the Home Government was infinitely more interested than the local Government. The hon. Gentleman said we had recently given to the Cape Colony the institutions of free government. It was quite true we had granted a Representative Legislature, perhaps on the most liberal terms ever conceded to any colony under the Crown; and he agreed, generally, that where self-government was given the Colony ought to prepare itself to make provision for the expenses attending the maintenance of its internal tranquillity, and the protection of its frontier. The Government had recognised the soundness of that doctrine, and were endeavouring to act upon it as far as they were able. He was happy to say the

Cape Legislature had shown a disposition to meet our views on the subject. They were called on to defray large expenses of a police corps and a Fingo corps on the eastern frontier. He was quite sure that expense was at least 50,000*l.* a-year. The principle of the Colony bearing that expense had been affirmed by the elective Legislature, and he had no doubt it would vote a sum annually for the maintenance of those corps. He thought that, year by year, the share of the military expenses borne by the Colony should increase, and the proportion borne by this country should diminish. But he would remind the House this was not the first time the doctrine of the liability of a colony to pay the expenses of its frontier wars had been laid down by a Secretary of State. In the instructions of Earl Grey, who was Secretary of State at the close of the Kafir war of 1846-47, he found this passage—

> "The lessons taught by experience, the state of affairs at home, the enormous expense of the military operations just concluded, all contribute to impose the duty to warn all that portion of the public whom it may concern not to expect that any new wars can be carried on at the cost of this country. It is the opinion of Her Majesty's servants that, although they were justified in recommending the large grant made for the payment of expenses so incurred, such an effort on the part of the mother country cannot be repeated, unless by the recurrence of similar contingencies."

A Kafir war broke out again at the commencement of the year 1851, and every one knows the whole burden of that war has been defrayed by this country. And what was happening at this moment? There were 5,000 troops in the Cape Colony. They felt it impossible to withdraw those troops, much as they wanted the regiments at home, because they knew if the troops were removed war would break out again. But supposing the Government went to the Cape Legislature and said, "Here is an alternative at your option —either we will withdraw our troops or you shall pay for them." The answer would be that the Colonists were not wholly responsible for the state of their own frontier, and it was impossible, out of their limited resources, to pay the cost of the 5,000 troops necessary for the protection of the Colony. The Government felt it was impossible either to withdraw the troops or to ask the Colony to pay for them. But if peace was succeeded by war, they would require 10,000 troops, the number there twelve months ago, and the House would see it was quite impossible for the Colonists to pay the expenses which would result from any fresh war. Therefore, he said this question was an Imperial question, and the Government would be wanting in its duty to that House, which had so freely and liberally voted the moneys for carrying on and bringing to a conclusion the late war, if they neglected this opportunity of endeavouring to make a settlement, something more than a mere patching up of peace, extirpating the seeds of future trouble, which, if the hon. Gentleman's views were adopted, would be found very soon to ripen into a state of war. That was the clue to the policy of the Government. Their object was to prevent the recurrence of war. That object they had pursued in British Kafraria as well as in the Orange River territory. He had said he wished we had never gone into the Orange River territory. He wished we could quit altogether British Kafraria. He wished we could hold aloof from the native inhabitants, and say to them, "We must leave you to manage your own affairs." But, having respect to the opinion of General Cathcart, the Government could not take that course. Possession of British Kafraria was the object of the late war. If we left it, the Kafirs would consider themselves victorious, and would never rest until they had endeavoured to recover those successive belts of country which one after another had been taken from them during the last thirty years. But if they could not abandon British Kafraria, let them profit by the lesson it has taught, and abandon the Orange territory. The case of the Orange River Sovereignty was nearly identical with the case of British Kafraria. In British Kafraria they had 60,000 Kafirs and 1,000 Europeans. In the Orange River Sovereignty they had 100,000 Kafirs and about 10,000 Europeans. Now, he said, there being this admixture of Europeans and aboriginal inhabitants, the aboriginal inhabitants possessing all the most fertile parts of the country, and the Europeans being determined at one time or other to possess themselves of those rich tracts of country in possession of the natives, it was a difficult question how to maintain tranquillity between them. He knew but two courses. One course was the course they were pursuing in British Kafraria, establishing a strong Government. With a strong Government, supported by a large military force, they could prevent those encroachments of one division of people upon the other, which inevitably led to war, to be carried on at the expense of this country. They might take that course, but, he asked, was any object of interest, honour, or dignity involved in the retention of the Orange River territory worth this country's going to the enormous expense of maintaining peace between the aborigines and the Europeans? The other course was, withdrawing English rule. It was in that way peace was most likely to be maintained. If it became manifest that each party, and not the British Government, must be responsible for the consequences of mutual encroachment—if it was made their interest to live at peace with one another, he believed that result would be obtained. Of all courses, the worst course was that we had hitherto pursued. A mere phantom of a Government had been established, unsupported by any military force, at the disposal of every party who chose to call it in aid, and the result was that we were involved in the squabbles and quarrels of petty chiefs, and between Dutch farmers and the natives, which would have ended in war but for the fortunate intervention of General Cathcart.

The course which the Government had taken had not been hastily adopted. They had been supported by great authority on this question. The Orange River territory was acquired under peculiar circumstances. When Sir Harry Smith went out to the Cape of Good Hope, at the end of 1847, it was still a possession beyond the limits of the Queen's dominions. In one of his despatches he compared himself with the Governors General of India, observing that those Governors General of India who were most eminent for their abilities invariably declared their determination to be contented with the dominion they found, and invariably distinguished their rule by the acquisition of new tracts of country—that he felt himself in the same position, conscious of the dangers and difficulties of extending the Colony, yet told that it was the wish of the Europeans, as well as natives, that British rule should be established for the purpose of arbitrating between them. Earl Grey, acting in deference to the views of Sir Harry Smith, and against his own better judgment and more far-seeing views, authorised the assumption of sovereignty over the Orange River territory. A very few months, however, showed that the anticipations of Sir Harry Smith were delusive, and instead of four-fifths of the population being in favour of British rule, as he represented, according to recent information, at that very time it appears that nine-tenths were against it. He did not impute any intention to Sir Harry Smith to state aught but the exact truth; but he was deceived, and the assumption of sovereignty never would have taken place, except under the impression that the government of the British Crown was generally desired by the people. In consequence of this state of things, Earl Grey, before he quitted office, left on record this declaration of opinion—that it ought to be the settled policy of this country to abandon the Orange River Sovereignty. Earl Grey was succeeded in office by the right hon. Baronet opposite (Sir J. Pakington), and he believed he was correct in stating he approved of the measure, and took steps for carrying it into execution. With regard to authorities in the Colony, he could not do better than refer to the disinterested advice of Sir George Clerk and General Cathcart. The opinion of Sir George Clerk on the abandonment of the Orange River territory was not formed until he had had full acquaintance with the state of that country, and the relations of the people. He said—

> "The more I consider the position of this territory, relative both to the Cape Colony and to its own internal circumstances, the more I feel assured of its inutility as an acquisition, and impressed with a sense of the vain conceit of continuing to occupy it with our civil and military establishments in a manner becoming the character of the British Government and advantageous to our resources."

And with regard to what the hon. Gentleman (Mr. Adderley) has said respecting the value of the country—

> "It is a vast territory, possessing nothing that can sanction its being permanently added to a frontier already inconveniently extended. It secures no genuine interests—it is recommended by no prudent or justifiable motive—it answers no really beneficial purpose—it imparts no strength to the British Government, no credit to its character, no lustre to the Crown. To remain here, therefore, to superintend or to countenance this extension of British dominion, or to take part in any administrative measure for the furtherance of so unessential an object, would, I conceive, be tantamount to my encouraging a serious evil, and participating in one of the most signal fallacies which has ever come under my notice in the course of nearly thirty years devoted to the public service."

All authority was in favour of the course taken by the Government; and he was happy to say they had reason to believe that course was in conformity with the wishes of the inhabitants of that country. There were two classes of inhabitants—the natives and the Dutch farmers. With regard to the natives, to whom the hon. Gentleman had made frequent allusion, it should be borne in mind that they were from the first independent tribes, never within the limits of the Cape Colony, brought down from the higher parts of Central Africa to the places where we found them. We had frequently entered into treaties with the natives, recognising their independence, and meeting them on a footing of perfect equality, and, although they were included by Sir Harry Smith in the Sovereignty over which the Queen's rule was extended, General Cathcart assured the Government that, within a very recent period, they were under the impression that they still continued as independent as before, and that it was entirely without their consent, almost without their knowledge, that they were made vassals of the Colonial Government, and lost the independence they had so long enjoyed. With those natives it was true we had entered into treaties. We entered into a treaty with one of the tribes as early as 1836, that, on condition of an annuity paid to the chief from the colonial treasury, he should undertake to protect the frontier of the Colony. That treaty was followed by other treaties in 1843 and 1844, by Sir George Napier, but they were not treaties of an offensive or defensive character—they were to protect our frontier, but we were not to protect them or interfere with them. With one exception, those treaties offered no impediment to the abandonment of the Orange River Sovereignty, and that exception was a treaty concluded by Sir Peregrine Maitland, in 1846, with the Griqua chief, in which we entered into an alliance with him, and undertook to protect him in the possession of his territory, and to interfere in any quarrel he might have with the European inhabitants of the country. The object of this treaty was to prevent the Dutch farmers from occupying the territory of the chief, and it appeared that, in the course of the five or six years which had passed since 1846, the greater part of his inalienable territory, which we undertook to take care should not be occupied by any Dutch farmers, had passed into their hands. But the hon. Gentleman (Mr. Adderley) need be under no apprehension that we should break our engagement with this chief, because he was happy to say the chief had expressed his perfect willingness to readjust the treaty, so as to adapt it to the altered position of Her Majesty's Government. The other inhabitants of the country were Dutch farmers, and he begged to direct the attention of the House to their character. He was not going into an historical summary of their past proceedings. It was sufficient for him to say that these Dutch farmers, whom they were inviting to assume the responsibilities of self-government, voluntarily expatriated themselves from the Cape Colony from the year 1836 to 1840, because they were dissatisfied with the Act of the Government for the emancipation of slaves. They complained that the indemnification was not sufficient for what they regarded as the loss of their property. These Dutch farmers had gone into the Orange River Sovereignty, and many of them had proceeded onward to Natal. We had followed them there. This was in the year 1842. We had defeated them; we had assumed the government of the district. And then the reflux of the tide had flowed back again into the Orange River Sovereignty.

It was of these same Boers—of the very men who had thus gone forth to establish a Government of their own—who had been followed, who had been beaten, and had returned—that Sir Harry Smith had stated, in the year 1848, that he had reason to believe that they were favourable to British rule. Only a few months afterwards, they determined to show what were their feelings on the subject; for they assembled together under the leadership of Prætorius, ejected the British resident from the Colony, placed him across the river, and obliged Sir Harry Smith to proceed to the country in person, for the purpose of re-establishing British authority there, within six months after that authority had been stated to have been assumed with the unanimous approval of the inhabitants. After defeating these people in a battle, he succeeded in reducing them to submission. From that time to the present their whole policy had shown that they had no love for the Government. Their invariable practice had been to refuse to assist the British residents in their expeditions against the native chiefs; and it was stated, on official authority that in one of the districts into which the country was divided—the district of largest population and of greatest wealth—it was held a positive crime to entertain a feeling in favour of British rule. He did not believe that the feelings of the burghers had undergone any change since the time when that statement was made; and, although an assembly of delegates, convened by Sir George Clerk, had seemed to advocate the continuance of British rule, the explanation of the apparent discrepancy was easy. These Dutch farmers were persons of very inactive character, and of undemonstrative minds—distrustful and suspicious—and it had been told them that the British Government were not sincere—that they had no intention to give the country over to self-government—that their only object was to ascertain who among them were loyal, and who were disloyal; and that those who declared in favour of self-government would be marked men for the remainder of their lives. These were the arts which a party had successfully practised, and it really had appeared at first as if we had been misled with respect to the sentiments of the country, and as if the feeling was, in fact, in favour of our exercising our rule there. But, as time had gone on, they had had an opportunity of allowing their opinions to manifest themselves more unmistakeably; and it appeared, from accounts which had been recently received, that, dissatisfied with the delegates who had been chosen in the first instance, they had appointed others, who had readily agreed to take upon themselves the self-government of the country, and that Sir George Clerk had succeeded in making a convention by which their country was to be independent of our rule. Under these circumstances—seeing that the great weight of authority was decidedly upon their side—seeing the advice which they had received from parties who were most competent to express an opinion upon the subject—and knowing, as they did, that the feeling among the burgher population was decidedly in favour of the course which they proposed—the Government had thought that they should not be justified in taking any other line than that which they had actually adopted.

There was another point to which he wished to refer. If there had been one bane of colonisation worse than another at the Cape, it had been the unbounded speculation which had taken place in land, and nowhere had that system been more fully developed than within the Orange River Sovereignty. We had been in the Sovereignty now for a period of six years, and it was almost incredible how many millions of acres had been disposed of within those six years. He found that there were 140 English proprietors of land, possessing among them in the aggregate no less than 2,500,000 acres. Of that number more than 100 resided in the Cape Colony, and were absentees from the Sovereignty, being mortgagees or capitalists at the Cape, who had advanced their money on the security of these speculations. None of this land was in cultivation, the herds which wandered over it were left entirely unprotected, and these were the cattle which, being stolen from the natives, had led to the wars which had been carried on at such enormous cost. This land had been obtained by encroachments on the territories of the native chiefs; and if the hon. Gentleman (Mr. Adderley) would look at the map to which he had referred, he would find that that part of it marked yellow, and which he had supposed was land first inhabited and occupied by the Dutch farmers emigrating from the Colony, was, in fact, a piece of territory of which one of the native chiefs had been deprived. What was the result? Things went on very well for a time, but soon the pressure of numbers, and the feelings of irritation and revenge, would lead the Kafir tribes to endeavour to avenge the encroachments which had been made, and to recover, if possible, the lands of which they had been deprived. The endeavour led to war; and then these speculations became profitable. It became necessary to march a British army into the place, and to occupy the country permanently; the land increased in value, in the prospect of a permanent settlement; and the persons who had speculated became wealthy at the expense of the country. In conclusion, he would state that the object of the Government was to concentrate the inhabitants of the Colony, and to carry out the principle of non-intervention in the petty quarrels of ancient chiefs, and he did hope that the House would support them in their endeavour to effect that object, and would decline to agree to the Address which the hon. Gentleman opposite had moved for.

Sir JOHN PAKINGTON said, that, during the time he had the honour to hold the seals of the Colonial Office his attention had been very much directed to South Africa. There was not only the Kafir war, then unfinished, and exciting much interest in the country, but also the question of a constitution to be granted to the Cape Colony, and the very important subject of the retention or non-retention of the Orange River territory, all requiring consideration; he therefore felt bound to address a few observations to the House. He did not doubt the excellence of the motives which had induced his hon. Friend the Member for North Staffordshire (Mr. Adderley) to bring this subject before the House, and he was only sorry that he could not concur in all the opinions he had expressed with regard to it. His hon. Friend's speech was divided into two portions—he had discussed the policy of abandoning the sovereignty of the Orange River territory, and the legality of the course pursued by the Government in giving effect to their intentions. The terms of his hon. Friend's Motion, however, were so very general that they could not be considered as referring directly either to the policy or the legality of the course pursued. It was, therefore, impossible for him to vote for the Address in the terms drawn up by his hon. Friend. He concurred with the hon. Gentleman (Mr. F. Peel) in the regret that we had ever crossed the Orange River, and he regarded the policy of the noble Lord's (Lord J. Russell's) Government, in acceding to the desire of Sir Harry Smith to add the Orange territory to the possessions of the British Crown in South Africa, as unfortunate. At the time when Sir Harry Smith recommended the addition of this territory, he (Sir J. Pakington) believed that Lord Grey expressed a strong disinclination to increase the territories of the Crown in South Africa; but, nevertheless, the noble Lord yielded to the representations of that officer. Lord Grey, however, shortly after desired to reverse the policy previously adopted, and when he (Sir J. Pakington) succeeded to office in 1852, he found that Lord Grey had actually sent out directions to take steps for the abandonment of the territory. Lord Grey had also sent out a Commission consisting of two gentlemen, Major Hogg and Mr. Owen—one of whom, he regretted to say, had been prematurely lost to his country—to inquire into the subject. He had postponed coming to any decision with regard to the Orange River Sovereignty while he had held the seals of the Colonial Office, in the hope of obtaining a Report from that Commission; but his individual opinion coincided with that of Earl Grey and of the Duke of Newcastle, that the step which added the Orange River territory to our possessions ought to be reversed. After the speech which had been made by the hon. Under Secretary for the Colonies, he would not detain the House by stating at much length the grounds upon which he had come to the conclusion that we ought to reverse the policy which had been adopted, if we could do so consistently with the interests of the Crown and with fairness to those who had settled in the country in question. He need only refer to the map of Africa as one reason for doing so. He had not heard any strong argument from his hon. Friend the Member for North Staffordshire why this territory should be retained; but it might be doubted whether the House and the country were aware of the gigantic extent of our possessions in South Africa. Without Natal and the Orange River, he did not think he should exaggerate if he said that territory was not less than from 600 to 700 miles in length, and 300 miles in breadth. The European population of that enormous district was most inadequate to its occupation, to its cultivation, or to its protection. It was to such a territory, already too large, that the Orange River territory was added. And what was this territory? Between the Orange and Vaal rivers was an extent of land of from 400 to 500 miles in length and fully 200 in breadth. Of the 100,000 Kafirs upon that territory, 60,000 acknowledged allegiance to the well-known chief Moshesh, and they might be characterised as the most intelligent and powerful of the Kafir tribes, with whom we had been engaged in a warlike struggle. General Cathcart, after having ended the Kafir war on the eastern frontier, had undertaken to settle the affairs of the opposite frontier, and the first step that he took had been followed by one of the most formidable of the struggles which had taken place between Europeans and the native tribes of South Africa. The natives thought, and not without reason, that they had been ill-used by the Europeans. And what was the European population? He believed the hon. Gentleman (Mr. F. Peel) had correctly put it down at 10,000. Of whom composed? Of British? No. He did not think that more than one in twenty were British, the remainder being of Dutch origin, and called Dutch Boers, who had migrated to that territory to escape from British rule. He therefore thought his hon. Friend must have been misled when he stated that the general feeling of the inhabitants of the Sovereignty was in favour of retaining their allegiance to the British Crown, and all the despatches of Sir George Clerk confirmed him in the opinion that it was merely a handful of British subjects who had speculated in land that desired to remain under the dominion of this country. Upon other occasions it had been argued that we ought to retain this Sovereignty on account of the danger and inconvenience of allowing an independent republic to be established upon our northern frontier. But could this be avoided? And was it to be supposed that wherever these "flying Dutchmen" went we ought to follow them, in order to prevent their establishing a phantom republic? On the contrary, was it not notorious that an independent republic had already been established by Pretorius beyond the Vaal? Again, look at the expense to this country of maintaining the Sovereignty. He had been advised that we could not properly support the authority of the Crown in that vast territory without keeping up an army of 2,000 men, of whom 500 ought to be cavalry. Was there any object connected with Imperial policy which would justify the maintenance of such a force? The hon. Member (Mr. F. Peel) had not made any allusion to the alleged discovery of gold in the Orange River territory, although he (Sir J. Pakington) had seen reports to that effect in the public newspapers. [Mr. ADDERLEY: I have seen gold which was found there.] His hon. Friend did not state how much. However, the impression which he (Sir J. Pakington) had formed on this subject while in office was of course quite uninfluenced by discoveries of gold, which had not at that period been reported. He was far from saying that gold did not exist there; but he was now stating what were his impressions at the time he had held office, when the discovery had not been made, and when he had retired from office he had communicated to his successor what were his views with regard to the policy that ought to be adopted upon the question of the abandonment of the Sovereignty. The Duke of Newcastle, although he had adopted this course of policy, in a despatch stated that he was still willing to consider any arguments which might be advanced against that policy, and if the hon. Member for North Staffordshire had advanced any well-founded argument opposed to the abandonment of the territory, he should have been willing to pay it every attention. It appeared that Sir George Clerk was of opinion that the assertion of the British authority would be ridiculous were it not attended with the risk of perpetual struggles and reprisals. General Cathcart spoke of the territory as the "sovereignty incubus," and strongly advised its abandonment. It appeared, then, that the opinions of the highest authorities were in accordance with the opinions which he had himself formed when he was connected with the Colonial Office, and upon those opinions he thought it only fair to the present Government to state that he was prepared to act. With regard to that part of the question as to whether or not the Government were justified, in a point of constitutional law, he did not feel competent to give any opinion, but he had, when in office, consulted the law officers of the Government with which he was connected, and, if his memory was correct, his hon. and learned Friend sitting near him (Sir F. Thesiger) had thought that it would be safer to abandon the territory by Act of Parliament than by a declaration of the Crown. The present Government had thought it proper to pursue a different course, but he was not prepared to express any opinion as to the propriety of that decision.

MR. VERNON SMITH said, he thought it unfortunate that the terms of the Motion should have given so little indication of the main line of argument which the hon. Member for North Staffordshire (Mr. Adderley) had pursued. It was unfortunate, he thought, that the question had not been raised in some more specific manner. He should himself individually prefer that Government should have consulted Parliament on the subject of the abandonment of the Sovereignty; but he presumed that the law officers of the Crown had been consulted, and had advised that the abandonment could be made without an Act of Parliament. He entirely agreed in the policy of abandoning that territory, and deprecated the principle which had hitherto prevailed of endeavouring always to increase the colonial possessions of the country. This country had been so much occupied in acquiring possession of territory, that it never had had its attention turned to the abandonment of territory. He could understand how it was that the Colonists were naturally desirous of extending their frontiers, but he agreed with Lord Grey that the only interest in the Colony was in Cape Town and the neighbouring districts. He did not mean to say that all the other extensive territory ought to be abandoned. That was a different question. At present he confined himself to that portion of the territory to which the hon. Member for North Staffordshire had referred. With respect to that part of the question—to which but a small portion of the speech of the hon. Member was directed—the expediency of retaining the country, he was surprised to find that the hon. Member had attacked the right hon. Baronet the Member for Southwark (Sir W. Molesworth) and his right hon. Friend the Chancellor of the Exchequer for abandoning the principles which they held of Colonial Government. The hon. Member said that he thought their colonial policy was to extend the empire, and also the principle of self-government in our Colonies. He (Mr. V. Smith) was as great an advocate of self-government as any one, but to say that they ought to seize upon wild, uncultivated land, for the sake of giving self-government to the inhabitants, was a most preposterous proposition. Three years ago Earl Grey declared that he thought it would be advisable to abandon the Sovereignty. Major Hogg—whose death in the performance of his duty they had all to deplore—and Mr. Owen were sent out to investigate the matter. Their opinion was not on record, but he believed that it was the opinion of Major Hogg that the boundaries of the Cape Colony ought to be curtailed, and not extended. When the hon. Gentleman talked of the expense of abandoning the Colony being as great as the expense of retaining it, he must have forgotten that not long ago that House was called on to vote 3,000,000*l.* for the Kafir war. He was certainly surprised to find the hon. Member for North Staffordshire conclude his speech by calling upon them not to cede this Colony on the ground of humanity and Christian civilisation. He was as much a friend to Christian civilisation as any one, but he did not regard it as the duty of this country to plant missionary colonies. He gladly viewed the step taken by the Government, because it showed their determination to set their colonial establishment in order. He did not say that, if they found any portion of the Colony useless, it ought to be got rid of at the expense of those who were settled in it. In 1819, by a vote of that House, they had encouraged settlers to go to the Cape; but no such encouragement had been given with respect to the territory in question. The principle of compensation or indemnity to those who suffered loss was not denied. In the present case he believed the amount would be very small. If the hon. Member for North Staffordshire proceeded to a division, he should certainly vote against him.

The ATTORNEY GENERAL said, he would certainly not trouble the House with a single observation upon what might be called the policy part of the question. After the lucid and convincing speech of the right hon. Gentleman opposite (Sir J. Pakington), to do so would be a waste of time; but there was another part of the subject to which he promised to confine himself, and that was the legal part of the subject. Without wishing to say one word which might appear disrespectful to the hon. Member for North Staffordshire (Mr. Adderley), he did not think that he had acted quite fairly towards the Government or towards the legal advisers of the Crown in the way in which he had framed his Motion; for he could say for himself and his hon. and learned Colleague the Solicitor General that, until they came down to the House that evening, they had not the most distant idea that the question was one which referred to the legality of the conduct of the Government. He mentioned that circumstance, because, if he had known the turn which the question was intended to take, he would have been prepared with authorities upon the subject; but now he was only able to state very briefly to the House the grounds upon which it appeared to him that the course adopted by the Govern- was a strictly constitutional course. Our Colonies might be divided into two classes —such as were acquired by occupancy, and such as were acquired by conquest and by cession. With regard to the first of these, there was no doubt that a British subject who went and occupied a territory otherwise unoccupied carried with him, to a considerable extent, the rights and privileges of a British subject and the laws of his own country. On the other hand, with regard to colonies acquired by conquest and by cession, it was clear that the Crown had an undisputed and absolute sovereignty over them, and that the persons who settled there did not acquire any right to the laws and institutions of this country. With respect to territories acquired by occupancy, he was aware that there existed considerable difference of opinion as to whether the Crown had the power of getting rid of those territories otherwise than by an Act of the Legislature. Much might be said on both sides, but it was not necessary to enter upon this question, because the present case rested, not upon the principles which regulated territory acquired by occupancy, but upon those which regulated territory acquired by conquest. The facts stood thus:—The Cape of Good Hope, the principal colony in South Africa, was acquired by conquest. The Boers, who were subject to the dominion of the Crown in the territory so acquired, thought proper, at a recent period of history, to quit the territory of the Cape, and to establish themselves within the territory of the Orange River. They did so for the purpose of avoiding the jurisdiction and dominion of the British Crown and of establishing themselves independently of it. They were pursued by the power of the Government, and the Governor of the Cape, Sir Harry Smith, proclaimed the sovereignty of the British Crown over the territory which the Boers had so occupied. They resisted his power; they arrayed themselves against the troops of the Crown; they were overcome, subjugated, and compelled to acknowledge the dominion they had attempted to resist. Now, he said that persons in this position were inhabitants of territory acquired, not by occupancy, but by conquest, and the territory acquired so without the intervention of Parliament, could also be ceded and given up by the Crown without the intervention of Parliament. The hon. Gentleman admitted this discretion with regard to a large class and description of territory; he said, for example, that with regard to fortresses and places of arms, such as Calais, Dunkirk, and Gibraltar, this might be the case, but he denied the rule in respect to large tracts of territory. Why? Upon what principle could the Crown give up Calais, Dunkirk, and Gibraltar without the intervention of Parliament, and not the Orange River Sovereignty? There was really no difference in point of principle. Each comprehended a large number of inhabitants. Gibraltar contained, he supposed, 100,000 inhabitants; and if the Crown could give up Gibraltar, which was acquired by conquest, why not this territory? He could see no difference between the two cases. The legal proposition of the power of the Crown, therefore, rested upon this—that what the Crown had acquired by cession or conquest, and over which it had absolute sovereignty, the Crown could deal with without the intervention or the co-operation of Parliament. It appeared to him, therefore, that the course pursued had been the right one so far as the question of law was concerned. It had been said that a different opinion had been given. He was not aware upon what that opinion rested, but nothing would make him feel so little confidence in his own judgment as to know that two legal friends of his, for whose opinions he entertained the highest respect, were to propound and entertain an opposite view. He could, however, quite understand that it might have been thought and might still be considered expedient that some Act of Parliament should be passed with a view to relieve these persons altogether from all claims which the Crown might have upon them, and also with reference to the question of claims for compensation which might arise under the peculiar circumstances of the case. With regard, however, to the mere question raised by the present Motion, whether the Crown obtaining territory under such circumstances as the present, had or had not the power to abandon it, he must maintain that the means resorted to were the right ones, and that the Crown, acting under the advice of the Privy Council, had a perfect right to give up that territory.

Sir FREDERIC THESIGER said, his hon. and learned Friend was mistaken in supposing that he differed materially from him upon this point, because, although his opinion was that under the peculiar circumstances of the case it would be much better there should be an Act of Parliament which should remove all doubt, yet he had never expressed any opinion that an Act of Parliament was essential, and undoubtedly that was not the opinion he entertained at the present moment. At the same time he had certainly been led to adopt that conclusion in a different manner to that in which his hon. and learned Friend the Attorney General had arrived at his, because he did not entirely agree with him that this was a case of conquest, and that therefore it was in the power of the Crown to abandon this territory without the sanction of Parliament. It appeared to him that there never was any conquest of this territory; that the sovereignty existed under most peculiar and extraordinary circumstances; that there really never was any territorial sovereignty acquired, and never was any annexation of landed dominion to the British Crown. The Boers and farmers, at an early period, began to wander beyond the Cape Colony to find their sheep and to return afterwards, thus going and returning at intervals; but in 1836 they fixed for themselves a more permanent abode beyond the Colony, began to assume independence, and to exercise dominion over the natives of the district. That led to abuses which called for the intervention of the British power. The hon. Member for North Staffordshire (Mr. Adderley) seemed to assume that by the Act of Parliament passed in 1836, by which jurisdiction was given to the courts of the Cape Colony over offences committed between the confines of the Colony and twenty-five degrees of south latitude, we had asserted jurisdiction over the Orange River territory. Now, it was no such thing. Parliament merely asserted a jurisdiction over British subjects within the Orange territory. We did not by that Act claim dominion over the territory, but only over our own British subjects, the same force as was given to the Acts of Parliament a few years ago which declared it to be felony for a British subject to hold slaves. It appeared that that territory was divided among different tribes, at the head of whom were various chiefs, the most conspicuous of whom were Adam Kok and Moshesh. In 1846 Sir Peregrine Maitland entered into a treaty with Adam Kok, by which treaty the independent sovereignty of that chief was expressly acknowledged. Mr. Porter, the Attorney General at the Cape, it appeared, entertained the opinion that this territory was acquired by occupancy, but the law officers of the Crown came to a different conclusion, for they thought it had been an acquisition by conquest, and recommended that an Act of Parliament should be introduced, reciting that doubts had been entertained how the territory had been gained, and whether it could be abandoned by the mere authority of the Crown, and then to proceed to allay those doubts by enactments proper to the case. Therefore he thought he was entitled to say that up to that time it was the established opinion that there had been an acquisition by conquest in the Orange River territory. There was nothing whatever in the documents before the House to show that there had been any acquisition by conquest of the Orange River territory, and, indeed, the facts themselves went to disprove any such supposition. Sir Harry Smith subsequently entered into treaties with the two chiefs he had named, but they were like treaties between independent Powers for the purpose of ensuring harmony and tranquillity, and undoubtedly no sovereignty was recognised by those treaties over the tribes. On the 3rd of February, 1848, Sir Harry Smith issued a proclamation, declaring that they were under the absolute and paramount sovereignty of Her Majesty; but that proclamation could have had no authority without the assent of the chiefs, or unless it were the result of a treaty. According to his view, those treaties conferred the power upon the Governor to exercise jurisdiction over the British subjects in that territory, but gave no sovereignty whatever; and he contended that neither by occupancy, nor by cession, nor by conquest, was there any acquisition whatever of territorial dominion in respect of that district of the Orange River. Lord Grey was of opinion that that proclamation made an improper distinction between British subjects and natives, holding all to be subjects who were within the territory over which the British power extended. In March, 1851, letters patent were issued under the Great Seal, by which the Orange River Sovereignty, as it had been previously called, was erected into an independent Government. Upon a despatch, however, from General Cathcart, mentioning the circumstances of those letters patent, and expressing an opinion that the tribes had always been considered to be independent and had never acknowledged any vassalage to the Crown, the Duke of Newcastle desired General Cathcart to withhold the promulgation of those letters patent, and, in consequence, they never had been published. Though he (Sir F. Thesiger) arrived, therefore, at the same conclusion with his hon. and learned Friend the Attorney General, that this sovereignty might be abrogated without the necessity of the sanction of the Legislature, still it appeared that he arrived at that conclusion upon totally different grounds. He would not offer any opinion on the general and important question, how far it was competent for the Crown to dispossess itself of any portion of its dominions without the assent of the Legislature. The question was one of great difficulty, for Lord Loughborough had expressed an opinion one way, and Lord Thurlow another. According to his (Sir F. Thesiger's) view, it was unnecessary to enter into that, for there was no conquest, and he could not conceive that there was anything more than an abstract sovereignty to be exercised over British subjects, which could be relinquished without the interference of the Legislature. He admitted that the Crown could not give up the allegiance of its subjects; but nothing of the kind had occurred in this case. These people, born in the Cape Colony, had wandered into this territory, which must be considered and treated as a foreign country, and their allegiance had travelled with them. They were now replaced in the position in which they originally stood when they left the British territory, and they could not divest themselves of their allegiance, neither could the Crown discharge them from it. Upon the whole, he thought that it would have been more satisfactory if the Government had applied to the Legislature before the abandonment was resolved upon; but such application was not essential, and no ground, therefore, he thought, had been stated for agreeing to the Motion of the hon. Gentleman (Mr. Adderley).

Mr. J. G. PHILLIMORE said, he wished to say one word on the important constitutional question which had been alluded to by his hon. and learned Friend who had just sat down. His hon. and learned Friend had alluded to the difference of opinion between Lord Loughborough and Lord Thurlow; but it was well known that Lord Loughborough was one of the least scrupulous of political partisans—that he was making a violent party speech at the time—that no lawyer supported him in his assertions—and that he was immediately contradicted by Lord Thurlow. It should be remembered also that Mr. Fox, in the House of Commons, though he agreed on the general question with Lord Thurlow, yet he never ventured to assert that the Crown had no power to abandon her colonies. In fact, the question resolved itself into this, whether they were living under a monarchy or under a republic. Mr. Justice Blackstone laid down the right of the Crown to abandon colonies as clearly as could be—the check against abuse being the responsibility of Ministers to Parliament. In fact, the point admitted of no dispute, and English history furnished so many examples of its exercise, that he was surprised how any lawyer could entertain a doubt on the subject.

Mr. ADDERLEY, in reply, said, it would be presumption in him to put his opinion on a point of law against the high legal authorities who had spoken to-night, but still he thought the time of the House had not been wasted, as it had tended to settle the question that in the case of a territory occupied and settled as this was, the Crown had the power, without consulting Parliament, to abandon it. He must say one word with respect to the right hon. Member for Northampton (Mr. V. Smith), who had recommended the policy of abandoning other colonies besides this. He would remind that right hon. Member that the policy of abandonment was the policy of a declining country, as the policy of acquirement was the policy of a thriving country. He believed that this country in a few years would again bring the British sovereignty to the Orange River territory. After what had passed, however, he would withdraw his Motion.

Motion, by leave, *withdrawn.*

CHURCH RATES.

Mr. PACKE moved for leave to introduce a Bill

> "To relieve Dissenters from the payment of Church Rates in certain cases, and otherwise to amend the Law respecting the making, assessing, and collecting Church Rates in England and Wales."

The object of this Bill was to pay respect to the consciences of Dissenters by relieving them entirely from all payments towards the worship of the Church of England, and at the same time to place the maintenance and repair of the fabrics upon a firm and satisfactory basis. He understood from the noble Lord the Leader of the House that the Government would not oppose the introduction of the Bill, and he trusted that, under these circumstances, the House would allow it to be read a first time, reserving the discussion for a subsequent stage.

Mr. HADFIELD said, he must oppose the introduction of this Bill, unless he heard some further explanation of its provisions than had been given by the hon. Gentleman. As a Dissenter, he regarded with great jealousy any measure coming from the other side of the House; and when the noble Lord the Member for the City of London (Lord J. Russell) and the hon. Baronet the Member for the Tower Hamlets (Sir W. Clay) had given notice of their intention to introduce measures upon this subject, he could not but think that a third Bill was altogether unnecessary.

Sir WILLIAM CLAY said, he would recommend his hon. Friend not to oppose the introduction of the Bill. For his own part, he would welcome any attempt to attain so desirable an object, from whatever quarter it might come.

Viscount PALMERSTON said, that he would not oppose the introduction of the Bill, but should reserve to Government the right to deal with it as they thought fit when they saw its provisions. He would also recommend the hon. Member for Sheffield (Mr. Hadfield) not to oppose it at this stage.

Mr. HADFIELD said, after what had fallen from the hon. Baronet and the noble Lord, he would not press his opposition.

Motion *agreed to;* Bill *ordered* to be brought in by Mr. Packe, Mr. Sotheron, and Mr. Miles.

Bill read 1°.

MEDICAL POOR LAW RELIEF.

Mr. PIGOTT said, he would now beg to move for a Select Committee,

> "To inquire into the mode in which Medical Relief is now administered in the different Unions in England and Wales, and to ascertain whether any additional facilities might be afforded to the Poor in obtaining Medical Relief."

He considered that the importance of this question could hardly be over-estimated, when it was remembered that it involved an annual expenditure of 4,000,000*l.*; nor could it be contested that the present system under which medical relief was administered was exceedingly defective, since that had been admitted by the late Mr. Charles Buller, when President of the Poor Law Board in 1848. Looking at the question as it regarded the poor, it could be shown that the provision by which no person not receiving relief from the rates could receive medical relief had produced 70 per cent of the present pauperism; while, as regarded the medical officers, it was clear that their salaries were wholly inadequate; in fact, it could not remunerate them for the cost of the drugs they were obliged to dispense if they conscientiously performed their duties. It was not, therefore, surprising that the system worked in a very unsatisfactory manner, and he could prove that in many cases poor persons had died from want of medical relief. That relief might be much more satisfactorily given, and at a reduced cost, by remodelling the system under which it was administered; and under these circumstances he hoped the Government would not oppose the appointment of a Select Committee.

Lord JOHN RUSSELL said, that there could be no doubt that this was a very important subject, because the medical relief given to the poor formed a chief part of the poor relief of the country; and he should therefore be very sorry to interpose any obstacle to the appointment of a Select Committee, before which valuable evidence might be given. At the same time he could not encourage the expectation that any very great benefit would be derived from separating the medical from the general poor law relief. His hon. and learned Friend had said that 70 per cent of the relief given was distributed under the head of medical relief, and that the persons so receiving it were thereby made paupers, as if the whole distinction consisted in their bearing the name of paupers. Now it was evident that what really distinguished them from others was the fact of their receiving public relief paid out of the rates; and it would not make any very great distinction whether that relief was given to him with or without the name of "pauper." The evil consequences of receiving relief would equally follow in both cases. At the same time there was no doubt that improvements might be introduced into our present system of administering medical relief, and he should therefore assent to the appointment of the Committee.

Motion *agreed to.*

BILLS OF EXCHANGE.

Mr. DIGBY SEYMOUR then moved for leave to introduce a Bill "to make fraudulent dealings with regard to Bills of Exchange felonious in certain cases." The object of this measure was to check the proceedings of the sharpers who were in the habit of inducing young persons to accept bills of exchange, for which they received little or no consideration. These were then passed about from hand to hand, and the unfortunate acceptors were compelled, often without notice, to answer for their full amount. Every one conversant with the proceedings in our courts of law, must be aware of the ruin and misery thus entailed upon young inexperienced or imprudent persons. The cause of Sherwood *v.* Meikham, very recently tried in the Court of Exchequer, furnished a good illustration of the practices of the persons to whom he had referred. The defendant in that action, a young man, gave a bill to a person named Elliot, in order to get it discounted; the latter endorsed it over to other parties, who sued the payee, although he had never received a farthing on account of the bill. It appeared to him that the character of our legislation was brought to a certain degree into contempt, unless such proceedings could be checked by the strong arm of the law. It was competent, by very simple legislation, to meet attempts to frustrate justice by bringing technical objections, and to defeat the ordinary tricks practised in such cases as had lately come before the public.

The ATTORNEY GENERAL said, he had no doubt that most nefarious frauds were perpetrated by a class of persons who pretended to be bill discounters, but were, in fact, bill stealers, and any measure to make the law more stringent as regarded these persons, must be productive of great benefit to the community. At the same time the House was not in possession of the details of the subject, and he apprehended that serious difficulty would be found in dealing with it. It was far from his intention to offer any resistance to the proposal, which should be received with indulgence.

Motion *agreed to;* Bill *ordered* to be brought in by Mr. Digby Seymour, Mr. Atherton, and Mr. Bowyer.

The House adjourned at half after Eleven o'clock.

HOUSE OF COMMONS,

Wednesday, May 10, 1854.

FRIENDLY SOCIETIES BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. T. DUNCOMBE said, he would suggest to the hon. Gentleman the Member for North Wiltshire (Mr. Sotheron), who had charge of this Bill, that it would be much better to refer a subject of the delicate and painful nature embraced by the Bill to a Select Committee, especially as he saw that notice had been given of a great number of Amendments, in order that such Select Committee might consider not only the particular clauses of the measure, but the whole subject. Evidence might be taken before the Committee, and a satisfactory arrangement arrived at. It was evident from the petitions presented that no subject had ever made a greater commotion among the working classes. At the same time every one gave credit to the hon. Gentleman (Mr. Sotheron) for the kindness of his intentions, and the conciliatory spirit which he had manifested in considering any suggestions in reference to the present Bill.

MR. BRIGHT said, he could bear testimony to the conciliatory disposition of the hon. Gentleman (Mr. Sotheron), to whom he had introduced several deputations, who left him with the impression that he was only anxious to do good to the working classes. He (Mr. Bright) believed that a strong opinion existed at the Home Office with respect to some of the clauses of the Bill; and it was impossible for any Member who had received deputations not to see that the Bill, if passed in its present shape, would not work, but would only produce something in the nature of a revolt among the population of the north of England, who were deeply interested in the subject. He could hardly conceive, under these circumstances, that the hon. Gentleman would refuse to allow the Bill to go to a Select Committee, particularly as the subject was a most delicate one, and concerned not only the money, but the feelings of the people.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "the Bill be committed to a Select Committee," instead thereof.

MR. HUME said, he should support the Motion for a Select Committee. The question affected large masses of the community, and not only the Bill, but the whole subject, should be considered in a Committee upstairs. He had found by experience that when individuals or deputations were allowed to state their own views before a Committee, the latter were enabled to draw the just and proper line between the different interests. It would very much abate the anxiety out of doors if the Government declared in favour of a reference of the whole subject to a Committee upstairs.

MR. E. C. EGERTON said, he trusted that the hon. Gentleman (Mr. Sotheron) would accede to the proposition for referring the Bill to a Select Committee. The Bill, though meant in the kindest spirit by the hon. Gentleman, would operate very hardly on some societies. The whole subject should be considered in a Select Committee, for there existed such a variety of different Acts in connection with it that the precise law was difficult to be understood. If the question were inquired into fully, the result would be increased confidence among the working classes, and increased desire to provide for their own funerals; and, at the same time, many of those mischiefs and deplorable occurrences which had arisen out of the existing state of things might be prevented in future.

MR. BROTHERTON said, he also must urge the propriety of appointing a Select Committee. He had not recollected so much excitement among the working classes for many years past as now existed on this subject.

SIR GEORGE GREY said, that he had no objection to refer the Bill to a Select Committee, but he did not think it was desirable that they should enter upon the investigation of the whole subject; for the House must recollect that there had been several previous Committees of inquiry into friendly societies, and that they had obtained all the information upon the subject which could possibly be elicited by a new inquiry. The only effect of thus extending the labours of the Committee would be to defer that legislation which every one admitted to be required. It was the less necessary to do so, because he observed that most of the petitions which had been presented were directed against the 4th and 5th clauses of the Bill. Now he saw that the hon. Member for North Wiltshire (Mr. Sotheron) proposed to omit the former clause, and very materially to modify the latter.

MR. WILSON PATTEN said, that greater objections to the Bill had proceeded from that part of the country with which he was connected than from any other. Those objections were confined chiefly to the 3rd and 4th clauses, and if the Bill were sent to a Select Committee, those clauses, and not the whole matter, should be the subject of consideration; for with reference to the question itself sufficient information had already been obtained.

MR. ROEBUCK said, that the Bill had in fact now passed from the hands of its original promoters into those of the Government, and he therefore wished to know what were their views with respect to the course which the House should pursue?

MR. FITZROY said, that the hon. and learned Member was not quite correct in stating that the Bill had passed into the hands of Government. The only Amendment of which he had given notice referred to the 3rd clause. He thought that no case had been made out for a change in the law upon the point embraced in that clause; and his Amendment consisted simply of a clause taken from the existing Act, 14 & 15 *Vict.* c. 15. This Bill had no doubt created great uneasiness amongst the members of these societies; and although the petitions which had been presented abundantly showed that great ignorance prevailed with respect to its provisions, still when there was such an excited state of feeling on the part of great numbers of the working classes, he thought it was advisable that satisfactory evidence should be adduced in support of any proposed alterations in the existing law. With a view to such an investigation, he thought it was highly desirable that the House should adopt the proposition to refer the whole subject to a Select Committee. He was aware that there had been previous Committees and previous legislation on this subject; but the fact was that this had only complicated the subject, and made legislation more difficult.

CAPTAIN SCOBELL said, that even in the quiet neighbourhood he represented, Bath, the working classes were very much excited on the subject of this Bill. He hoped that the House would adopt the proposition of the hon. Member for Manchester (Mr. Bright), and refer the whole subject to a Select Committee.

MR. LIDDELL said, he could also bear testimony to the strong feeling which this measure had excited amongst the labouring classes; he should support the proposition to refer it to a Select Committee.

MR. LABOUCHERE said, that it seemed to be generally admitted that the House was not at present in a position to go into Committee upon this Bill. He thought that, considering the nature of the subject, the parties who were interested, and the character of the interests involved, it would be advisable the subject should receive the most mature consideration before they passed a new Act, and he should therefore support the proposition for referring the Bill to a Select Committee. At the same time he hoped that the Committee would not be made the means of delaying that legislation upon the subject which all admitted to be necessary, but that they would strictly confine their inquiries to those points upon which sufficient information had not been elicited by former inquiries.

MR. ATHERTON said, that so many Acts had been passed with reference to these societies that nothing could be more difficult for a practising lawyer than to tell the members of many of them by what particular Act they were governed, or even whether they were not exposed to the cross-fire of two contradictory Acts. Under these circumstances, it was absolutely necessary that the law on this subject should be consolidated; and as he believed that this could not be done without further information than was at present in the possession of the House, he hoped that the whole subject would be referred to a Select Committee.

MR. HENLEY said, that, after what had fallen from the hon. and learned Member for Durham (Mr. Atherton)—the correctness of whose statements he was not at all prepared to deny—it was perfectly clear that this subject was one which should be taken up by Government. A private Member might introduce a Bill to provide a remedy for an existing evil; but it was perfectly impossible that he could undertake to consolidate a multiplicity of previously existing Statutes, and to prepare one which should embrace the whole law on the subject. It would be quite impossible to bring in a Bill to consolidate all the Statutes on this subject during the present Session, considering it was so far advanced. The question, then, was, was information wanted on this subject? He very much inclined to think that there were very few cases which did not come within one or other of the categories, respecting which evidence was taken several Sessions ago. It was at his hon. Friend's discretion whether he would accede to the proposal now made to send the subject back to a Select Committee—to refer only a portion of it would be completely idle. He thought the Government already in possession of sufficient information to enable them to legislate with effect. There were many principles in the clauses of the present Bill which had excited the greatest jealousy, and which must probably be altered in Committee; but this was a matter wholly distinct from the question of consolidation.

Mr. HINDLEY said, he must protest against the inference which had been drawn in some quarters from the return presented relative to mortality amongst children, as a libel upon the character of the working classes of this country. The return itself was manifestly imperfect, but it by no means warranted the suspicions spread on this subject, or the accusation which had been founded on it, and he should regard any legislative Act conceived in this spirit as an insult to the working classes.

Viscount PALMERSTON said, he was prepared to assent to the proposal which had been made by his hon. Friend the Member for Lewes (Mr. FitzRoy) to refer this Bill to a Select Committee, with the view undoubtedly of securing a fair and satisfactory investigation of the subject. There were several questions arising out of it, which might with advantage be submitted to the examination of a Committee, some of which had been touched upon by the right hon. Gentleman opposite (Mr. Henley), or by his hon. Friends near him. The first of these undoubtedly was, whether it would be expedient or useful to consolidate all the laws relating to this subject. This was a proposal attended certainly with considerable difficulties, as suggested by the right hon. Gentleman, but it was a fit subject for consideration, one, perhaps, more belonging to the Government than to a Committee, but on which a Committee without doubt might be useful, as showing all the inconveniences, whatever they might be, which arose from the multitude of Statutes, and the uncertainty of their application to any one particular case. With respect to the general regulations of these friendly societies, of course the Report of the Committee which sat some years ago would be referred to any Committee that might be appointed, and it would have the benefit of the inquiries of the former Committee, which would, to a certain degree, supersede further inquiries, or direct them into the proper course in which such inquiries ought to be conducted. The point, however, which had laid the foundation of the various proposals now before the House, was the question of the regulations applicable to burial societies. The point which had excited the greatest objection to the Bill before the House was that referred to by the hon. Member behind him (Mr. Hindley)—namely, its application to burial societies. This was a very painful subject, and he would rather avoid stating the opinion which he entertained respecting it. All he would say was, that the return adverted to by the hon. Member did not, in his opinion, bear out the conclusion which the hon. Member seemed to have drawn from it. The return simply stated that there were no means of ascertaining whether the parents of certain children were members of burial clubs. The hon. Member had put a construction on the return which it would not bear. Upon that question he was asked, in the early part of this Session, by a noble Lord opposite, whether it was the intention of Her Majesty's Government to bring in any measure affecting it. He had then stated it was his intention to do so; at the same time, when the hon. Gentleman opposite (Mr. Sotheron) brought in his Bill, and his hon. Friend (Mr. Bright) proposed an Amendment to it, that appeared to him sufficiently to satisfy the purpose which Her Majesty's Government had in view, and he dropped the intention of bringing in any separate Bill. He must say, however, that his own opinion was so strong upon that point, that if no other Member were to propose to the House any legislation upon the subject, he should himself feel it his duty to do so. So far from concurring with his hon. Friend (Mr. Hindley) in thinking that any legislation on the subject was an insult to the lower classes, he thought, on the contrary, that the honour of the country, the credit of the lower classes, their dearest personal and private feelings, were concerned in placing it beyond the possibility of doubt or imputation that any such suspicions as had lately prevailed in this matter could, by any possibility, be founded in fact. And, therefore, in the interest of the lower classes, and with the view of consulting their honourable feelings, and rescuing them from imputations which had, not of yesterday only, but for a long time back, prevailed upon that subject, he thought some legislation was absolutely required; and he should think it his duty, if the Committee were not appointed, in another Session to propose some further enactment on that subject.

MR. MILES said, he was sure he was only expressing the feelings of a great part of the community when he said that the Government, even this Session, ought to introduce a measure which would put an end to all inducement to the poorer classes to destroy their children.

VISCOUNT GODERICH said, he thought if the Government were to bring in any other measure, there would not be the slightest use in referring this Bill to a Select Committee. He could bear testimony to the excitement felt on this subject throughout the country; and it did appear extremely hard that for the purpose of preventing certain evils which might have prevailed possibly in certain agricultural districts—["No."] He had no interest in calumniating the agricultural classes, but he was perfectly sure that evils of the kind alluded to did not occur in large societies; and it appeared extremely hard that, on this account, restrictions should be introduced which would cripple the utility of nine societies out of ten.

MR. COBDEN said, it appeared to him that the observations of the noble Lord the Secretary for the Home Department were defective in one important respect. The noble Lord stated his Resolution, his unalterable determination, to legislate on this matter, and intimated that he had facts on which this legislation would be founded, but that they were too painful to be communicated to the House. Now, he apprehended that what they had to do there was to consider what was just towards the community at large, not what was delicate to the House, or to the feelings of the noble Lord; and if he had facts which would warrant the insertion of the clause they were now discussing, he thought that, in justice to the people of this country, the noble Lord was bound to state those facts.

VISCOUNT PALMERSTON: I beg the hon. Member's pardon; I did not state anything about facts. I said the subject was a painful one, and that I would rather not state my opinions.

MR. COBDEN would then, if the noble Lord would allow him, infer from what he now said that the noble Lord disclaimed having any facts at all. Would the noble Lord admit that? [Viscount PALMERSTON: No.] Then he supposed it would be unparliamentary in him to say, that he thought the noble Lord was trifling with the House in the course he was now pursuing. [Viscount PALMERSTON: I do not admit that, either.] He was sorry to see anything like a jocular spirit manifested on this point; and must remark, that he thought the noble Lord had been particularly unfortunate in his attempts at jocularity. This was no laughing matter. To the noble Lord belonged the merit of having, on previous occasions, extracted jokes from grave subjects. This was not a subject which the noble Lord should select for the exercise of his jocularity. This was a slur on the character of the working classes, and, being so, it must be a reproach to the whole nation. Would not foreign newspapers fasten on this matter, and state as a reproach to England, that we were obliged to pass laws to prevent parents from murdering their children for the sake of 3*l.*? There had been cases in which persons had murdered others for money; but those cases had not been confined to the working classes, nor had the victims always been children. There was the celebrated case in which Madame Laffarge was the principal actress, and the House would recollect another case, which recently formed the subject of a trial in Scotland. Were there any grounds for believing that the destruction of children with the view of gaining money by these deaths was a general practice? Nothing of the kind. He maintained that there was no record in the history of any country in the world of a systematic destruction of children after they have arrived at an age when nature asserts her claim upon the affections of the parents. It had been alleged that in parts of India, and among our friends the Turks, there existed a system by which births were prevented, or children were destroyed immediately after birth; but he said again, there was no evidence of the systematic murder of children after they had survived the period of infancy. If parents would destroy their children in order to obtain 3*l.*, they would destroy them in order to avoid the expense of maintaining them. If the labouring classes would commit such crimes from such influences, the case could only be effectually met by raising the general character of the people.

VISCOUNT PALMERSTON: The hon. Member has been pleased to impute to me that I treated this subject with jocularity. I appeal to the House if anything I said could in the slightest degree bear out so unfounded an accusation. I said, on the contrary, that it was with the greatest pain I approached it; and if the House laughed when the hon. Member would persist in imputing to me, time after time, the very reverse of what I had stated, all I said was to deny that his interpretation of my words was well founded. The hon. Member put words into my mouth which I had never used; I was obliged to say I had not used them, and the House only laughed at the various attempts of the hon. Member to fasten on me language which I entirely repudiate.

MR. CROSSLEY said, he only rose to say that, having received various deputations during the recess on the subject of friendly societies, he had some acquaintance with the feelings prevalent among the working classes on this subject. There could be no doubt that some imposture had been practised upon these societies in the manner adverted to by the noble Lord, and the working classes, he had no doubt, would be glad to have any provision inserted in the Bill which might render the commission of such offences impossible in future.

MR. SOTHERON said, he need scarcely say, in reference to the suggestion made, that he was in the hands of the House, and should be ready to acquiesce in what seemed the general feeling of the House, not to press forward the Bill on the present occasion, but to refer it to a Select Committee. The principal point on which the discussion had turned was one of a character which he thought would be much better discussed in a Select Committee than in a Committee of the whole House. It might be that the Government had evidence enough regarding the suspicions of which they had heard much, as to infanticide being extensively practised by members of burial societies; but although a great deal of evidence had been taken by the Committee which sat in 1849 respecting burial societies generally, yet he was sure there was no such impression abroad generally, and that there was nothing in the public mind which in any way corresponded with what he believed to be the impression in the mind of the Government. If there were indeed facts which could be adduced to substantiate such a horrible suspicion—if more than a proportionate number of persons guilty of this dreadful crime could be found amongst members of burial clubs or friendly societies, then let the evidence to that effect be brought forward, and let a Committee of that House be armed with the full powers necessary to elicit the facts. One circumstance that occurred to him in connection with the subject was, that at the assizes of last autumn, in Liverpool, the grand jury made a presentment calling the attention of the Court to the increase of this horrible crime, and the presiding Judge thanked them for their presentment, giving an opinion that some further legislation was required; but the very day afterwards a person who was charged with the crime was tried and acquitted. If they were forced to the conclusion that a disposition to this crime was to some extent fostered by friendly societies, then no doubt legislation would be required; but the question remained behind—what was the best mode of dealing with the subject? He did not think that the mode suggested by the Amendment would be the best way of attaining the object. The reason why he (Mr. Sotheron) did not introduce the clause as suggested was, that he believed it would be entirely inoperative; but the main reason why he objected to enact that the money assured should not be paid to the parents was, that he knew no cause why those poor, but industrious and provident persons, should not be allowed to insure for the object professed. Hundreds of thousands were induced to join burial societies, not simply for the purpose of discharging the expenses of the burial, but in order that they might have the charge of the funeral themselves, instead of its being handed over to the Poor Law authorities. He would ask whether that was not a sentiment which ought to be applauded? He confessed that, in agreeing to postpone this measure, he did it with considerable regret, for he had looked forward to this day as a means of disabusing several hon. Members, as well as persons out of doors, of a misunderstanding which they appeared to entertain with regard to the nature and objects of this Bill. Some petitions had been presented against the Bill which clearly showed him that the writers of them had never read the Bill itself. He had received a great number of letters, in which the writers stated that they had no idea that Parliament should put its hands into their pockets or have the handling of their money; thus showing that they were labouring entirely under a mistake as to the real object of the Bill. Those parties appeared to fancy that when a society came under the operation of the law, from that moment it would cease to be independent. He believed it was the general opinion that the law was hard and unfair towards those societies which were not registered, every one of which was liable under the Joint Stock Companies Act to a penalty. Now, it was a peculiar feature of the case that regulations benefiting one society were found totally inapplicable or even adverse to the interests of another, and thus the difficulty of dealing with it was materially enhanced. Another difficulty was that they were dealing with purely voluntary associations, and the very moment they put on the screw in the direction that Parliament thought desirable, the association would at once be dissolved, and there would be nobody applicable to the bearing of the Act. If they were to deal with the subject effectively, they must carry along with them the public opinion of the community. The hon. and learned Member for Durham (Mr. Atherton) had recommended that the subject of consolidation should be referred to this Select Committee. Now, there were fifteen or sixteen Acts in force, under every one of which various societies had been registered, and if they consolidated those Acts, the operations of the societies for insurance would be materially interfered with, the powers as to the extent of insurance differing considerably. The Bill secured existing societies in the possession of all rights and privileges now enjoyed by them, and he was afraid they could not go beyond this. He would feel extremely obliged to the hon. and learned Attorney General if he would point out in what manner all those Acts could be resolved into one, and that single Act made applicable to each of those registered societies. By assenting to refer the Bill to a Select Committee he by no means considered that the measure was intended to be shelved. Apart from the necessity of some such law being enacted, he would remind the House that in the course of the present year all the Acts relating to friendly societies would expire. It was, therefore, essential that some legislation on the subject should take place. It would be unadvisable that the whole extent of the subject should be investigated by the Committee, as one wider in its dimensions could not be conceived, and a full inquiry, he did not hesitate to say, would find a Committee in occupation from that time up to next Christmas; but the object in view would be fully attained by sending the Bill before a Committee for examination. The existing law, he was glad to think, had answered admirably, as under it between 4,000 and 5,000 societies had been registered, and it had not been thought desirable to introduce many new provisions into the present measure, though some had been rendered necessary by change of circumstances, by new difficulties that had arisen, or by new descriptions of investment which had sprung up with the expanding industry and enterprise of the country. Upon some points now introduced for the first time, and particularly the very grave one to which allusion had been made that day, he was highly desirous that the Committee should have full means of inquiring, and if no other Member proposed it, he would himself move that they should have full powers of sending for persons and papers. The object of the measure might be stated generally to be the same as that of the former Act, the facilitating as much as possible the formation of provident associations of this excellent kind, without imposing any other restrictions than might be necessary for their maintenance and security. The magnitude of these societies could not be exaggerated. The members belonging to them were to be counted by hundreds of thousands. He believed the number of male inhabitants of England and Wales, by the last Census, was something short of 9,000,000. Of these there were of course a great number who had no necessity to belong to these friendly societies. The number of societies that were known to exist was about 20,000. These were all registered. The number unregistered might be taken at half that figure —making 30,000 societies. The minimum number of members was 150 to each society, and the maximum 300. This would give in the result upwards of half the male population of the country as members of some society or the other. But it was not the number only that was important. These individuals belonged to the very best and most valuable class of the community. They were the real support of the country. They were men who by the very fact of their being members of these societies showed that they entertained strong feelings of self-respect. It was on behalf of these his fellow-countrymen, who were men of sterling integrity and resolution, and who insisted on their rights, that he now pleaded, and he felt assured that he should not plead in vain. In conclusion, he would express his full assent to the appointment of the Select Committee.

SIR GEORGE PECHELL said, he rose to discharge a very pleasing duty, that of expressing the thanks of many thousands of his constituents to the hon. Gentleman who had just sat down for the pains he had taken on this subject, and the courteous manner in which he had treated the various deputations that had waited upon him. The country was deeply indebted to the hon. Gentleman, and, for himself, he would, as far as possible, avoid giving him any more trouble on the subject.

MR. W. BROWN said, he cordially concurred in the meed of praise offered to the hon. Member for North Wiltshire (Mr. Sotheron). He was induced, however, to address the House because it happened that he was the foreman of the grand jury in Lancashire which had occasion to call the attention of the Judge to a case of what the grand jury considered to be infanticide, although the party was afterwards acquitted. It seemed then to be a prevailing opinion that the subject should be taken into consideration by the Government. About the same time the grand jury of York had a similar case. The chaplain of the house of correction addressed a letter to him (Mr. Brown), stating what he believed to be the main cause of infanticide. It certainly was never intended to throw any reflection on these societies in the aggregate, but at the same time it was supposed that advantage might be taken by some parties to make a claim on the societies' funds. He agreed with the hon. Member (Mr. Sotheron) that there was no class of people who deserved more consideration than those who were members of these societies. Still, he felt himself justified in taking the same view of the subject of burial societies as the learned Judges had done; but in saying so, he disclaimed the slightest wish to throw any imputation upon the honour and integrity of the great mass of the members of those societies.

MR. COWAN said, he wished to make one suggestion. Great injury had been done to certain societies by the misapplication of the funds and by the misconduct of the managers. Expensive annual processions and dinners, attended with a great deal of dissipation, were paid for out of the societies' funds. He thought the clause in the Bill to prevent the misapplication of the funds was not sufficiently clear, and that a penalty should be attached to such misconduct. He entirely concurred in the observations made by preceding speakers, as to the benefits which his hon. Friend opposite (Mr. Sotheron) had been the means of conferring on the working classes of the country, and he trusted the suggestion he had made would meet with the attention of the Select Committee.

MR. I. BUTT said, he entertained a very strong objection to the 34th clause, which enacted that all penalties imposed by the Act should be recoverable by any person who should institute proceedings for them, and that one-half of the penalty should be paid to the informer, as that would be introducing among the working classes a system of *espionnage*, and would go far to destroy the character of Englishmen. He also objected to those clauses in the Bill which implied that the working men of this country could not associate together for the purpose of contributing to a fund for the burial of their children, without being liable to yield to the temptation of murdering those children for the sake of the money to be obtained for their burial. Such provisions offered a gross insult to the working people of this country. Although it was now proposed to omit those clauses, still it was in the power of the Government hereafter to reinsert them; it was therefore very desirable that there should be some understanding come to that the clauses were not to be at a future time reinserted.

MR. BONHAM-CARTER said, he thought it would be very much to be regretted if it got abroad among the working classes that it was the intention of the Legislature to impose stringent regulations concerning matters about which they were very jealous, and which so materially affected their own private concerns. The object of the present Bill was to remove certain disabilities which at present existed. The Committee of 1849, on inquiring into this subject, discovered that these societies, consisting of many thousands of members, were subject to all sorts of penalties, and the object of the present measure was to relieve them from those clogs and to empower them to proceed against dishonest trustees and others. This Bill was, in fact, a great relaxation of former Acts. The last Act did not allow any person under six years of age to become a member at all. The consequence was that a great number of illegal societies were brought into existence. He believed the working classes were well satisfied with the treatment of this question by his hon. Friend (Mr. Sotheron); and he thought such a question might be much better dealt with by a private Member, to whom there was much greater access, than it could be by a Member of the Government.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived.*

Words *added;* Main Question put, and *agreed to.*

Bill *committed* to a Select Committee.

HUSTINGS EXPENSES BILL.

Order for Second Reading read.

Mr. HUME said, he would now move that this Bill be read a second time. A Committee had sat to inquire into the subject of which the Bill treated, and their Report contained a detail of the expenses which were incurred by candidates in different districts, and affirmed the principle that individuals who wished to be elected representatives of the people ought to be placed in the House of Commons free of expense. That was the principle upon which this Bill was based. The Committee also recommended that in all contested elections an allowance should be made to the returning officer for the expenses he had incurred, which they thought ought to be borne by the district in which the election took place, and this Bill was intended to carry out the object of the Committee. At present, several notices had to be given by the sheriff for the expense, for which no provision was made; and although it was sometimes paid by candidates, payment could not be enforced. These and other details would be matters for discussion in Committee. All he asked the House at present was to adopt the principle that Members should be returned to Parliament free of expense, and that the constituencies they represented should bear the expense of their election. It was objected that if the check of election expenses were taken away, there would be a great increase in the number of candidates, but there were various modes in which this and other inconveniences might be obviated, and he should be ready, at a future stage of the Bill, to adopt any suggestions which would assist in carrying out its object. He, therefore, hoped the House would now agree to the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. PACKE said, he would suggest that the hon. Member for Montrose should postpone the second reading of this Bill until the Committee which was now sitting upon the Bribery and Elections Bills should have given their Report, or else that this Bill should be referred to that Committee.

Mr. PHINN said, he hoped that his hon. Friend would not postpone the second reading, by agreeing to which the House would only affirm the important principle that those Gentlemen who came into that House for the purpose of discharging a public duty should not be put to any expense in doing so. He could not see what connection there could be between this Bill and those which had been referred to the Committee referred to by the hon. Member who last addressed them, except with regard to some of the details. One part of this question certainly raised a considerable difficulty. At present, persons were constantly coming forward as candidates without having the support of any great portion of a constituency, who delivered a speech upon the hustings, who were applauded by that portion of the constituency which possessed no votes, but who were checked in going to the poll from the circumstance that they would become liable for a considerable amount of expenses by so doing. The constituencies ought to have the choice of the best candidates, but he thought it would be worth while to introduce some provision into the Bill by which a candidate should be obliged to defray his share of the election expenses, unless he polled a given number of votes. He had obtained a return of the sums which were charged by returning officers to candidates at elections, which disclosed a system of extortion that the House ought to put a stop to. In one borough as much as 25*l.* had been charged as the fee for the return, and in the course of his professional experience a number of cases had come under his notice, in which similar charges, perfectly illegal, had been made; but it was generally to the interest of the candidate to pay them without dispute, as, otherwise, the person who made them might exercise his influence over the returning officer to induce him to fix the polling day, on a future occasion, at an inconvenient time. The charge that was made for the employment of special constables was also illegal, as the sheriff was bound to maintain the peace at all times. If bribery was to be suppressed, some measure of this kind ought to be passed, because if the constituencies saw that these charges were paid by candidates, they thought something good was to be obtained by getting into the House of Commons, and they considered that a person who canvassed them was soliciting them for some favour. The sooner the public mind was disabused upon the matter, and given to understand that a seat in that House involved great toil, without any pecuniary advantage, the better.

Mr. DEEDES said, he should be unwilling to vote against the adoption of any proposition which had for its object the reduction of election expenses. He was bound, however, to say that he entertained very strong objections to the Bill as it then stood. If his hon. Friend the Member for Montrose would consent to allow the Bill to be read a second time that day, upon the understanding that it was to be referred to the Committee now sitting on the Bribery Bills, who would have the power of retaining such of its provisions as they deemed worthy of being passed into law, then he (Mr. Deedes) should have no hesitation in voting for the second reading; otherwise, he should deem it to be his duty to vote against the adoption of a principle of which he did not entirely approve.

Mr. HUME said, he could not consent to refer it to that Committee, but would have no objection to refer it to a separate Committee, after the Report of that Committee had been laid before the House.

Mr. MILES said, he was of opinion, from his experience as a county Member, that the Bill would add to, instead of diminishing, the expenses of gentlemen who came forward to represent counties. At present gentlemen frequently appeared as candidates, and made a speech which was much applauded by the non-constituents, as was just observed by the hon. and learned Member for Bath (Mr. Phinn); but, when it came to a question of being responsible for a share of the expenses, they bowed themselves out and no contest took place; whereas, if this Bill passed,

the expensive process of canvassing would have to be gone through upon every such occasion. The hustings' expenses did not now amount to more than 37*l.* or 40*l.*, and he, therefore, considered that the Bill was perfectly uncalled for, and hoped the House would give it a decided negative.

Sir GILBERT HEATHCOTE said, he wished to add his testimony to that of the hon. Gentleman who had just spoken. He had had great experience at county elections, and his opinion was that this Bill, so far from diminishing the expenses at elections, would greatly increase them. Its tendency would be to induce parties to present themselves as candidates at elections on very light grounds, and the consequence would be that there would be an infinitely greater number of contests than at present.

Mr. HENLEY said, he thought that the effect of this Bill would be to impose an additional expense of 200*l.*, or 300*l.*, or 500*l.*, upon every county Member. Some person always came forward upon the hustings, when every one in the place knew that he had no more intention of standing *bonâ fide* as a candidate than he had of flying, but that he merely wished to make a speech to the electors upon some popular subject. At the nomination some elector or some non-elector—for, in the crowded assemblages usually held on those occasions, it would be impossible to prevent such an occurrence—would propose this person. What would be the result? Why, the sheriff would at once proceed to hire rooms or to erect booths in which to take the poll; and, in the smallest counties there were eight or ten such places. He would also hire poll-clerks, check-clerks, and other necessary assistants. But in addition to the expense thus thrown upon the public, the candidate would also be obliged to hire proper persons to check the return; and thus he would be put to an expense which he now avoided, and which would be caused by an opposition which every human being knew was a sham fight from the beginning to the end. Then he would ask how they would levy the funds necessary to defray these expenses? Surely they could not throw it upon the poor rate? He thought the present system was an excellent check upon mere vexatious contests, and he should oppose the Bill.

Mr. COBDEN said, he thought that the objection which the right hon. Gentleman had made to the Bill could be met in the manner pointed out by the hon. and learned Member for Bath (Mr. Phinn); namely, by providing that in case a candidate did not poll 1-10th or 1-20th, or some certain proportion of the constituency, he should pay his quota of the expenses now paid by all the candidates. The principle of the Bill was, that where a nation set up a representative system of government, the machinery for working that government should be paid for by the nation. This principle was recognised in the case of municipal government, the machinery of which was paid for out of public funds, as were also the expenses of the election of boards of guardians. It was a great injustice to call upon candidates to pay their election expenses, as a person might wish to represent a county who was weak in purse, although strong in argument and in principle, and could not afford to bear the burden of one-third of the expenses of his election. He hoped the House would agree to the second reading.

Sir BENJAMIN HALL said, he concurred in the suggestion which had been made by the hon. Member for the West Riding of Yorkshire, but he thought that it ought not to be made the subject-matter of a clause in this Bill, but of a new Bill. The suggestion that hustings' and other expenses should be charged upon counties and boroughs was good in theory, if it could be connected in practice with the suggestion of the hon. Member for the West Riding, and he therefore hoped that this Bill would be withdrawn and another one substituted to carry that suggestion into effect. The borough which he represented was one of the largest in the empire; it contained nine polling places, and the election expenses were therefore proportionally great. In 1841, when there were 15,000 or 16,000 voters on the register, a gentleman had come forward as a candidate, and was duly proposed and seconded, but obtained only one vote, after having put him and his colleague to all the annoyance and expense of a contested election, as they did not think proper to call upon the unsuccessful candidate to pay his share. At the last election in 1852, when there were about 20,000 electors on the register, the constituency agreed that his noble Friend and himself should be returned without expense. Before the nomination a gentleman came forward and expressed his intention to stand for the borough, but the returning officer took the sensible course of getting rid of him by asking his noble Friend and himself for a check for their proportion of the expenses; and, as the other candidate could neither give a check nor security for the amount, he was obliged to retire. He would only add to the suggestion of the hon. and learned Member for Bath (Mr. Phinn) that security ought to be given in the first instance before the nomination took place. He hoped his hon. Friend, therefore, would withdraw this Bill, in order that another one might be introduced.

Viscount PALMERSTON said, he thought the proposal of the hon. Baronet who had spoken last for the withdrawal of this Bill was a sound and valid proposal; because undoubtedly the changes which had been proposed went so much to the substance of the Bill that they appeared to be of a character which ought to be contained in a Bill upon its introduction, rather than introduced in Committee. He must confess that he was not much disposed to support the present Bill. As a general principle, no doubt it was desirable to limit the expenses of candidates as much as possible; but that they should be entirely relieved from all expense was, he was afraid, however desirable it might be thought by some persons, impossible. Even if it were possible however, or desirable, to relieve candidates from all expense, it would be found that the Bill of his hon. Friend applied only to the smallest portion of the expenses which were incurred by a candidate at an election, and that it would go but a very little way towards establishing the principle which he had in view. The expense which his hon. Friend proposed to relieve candidates of was either a small one, or it might be a considerable one. If small, it was obvious that the relief which it would afford was trifling; if large, he asked, was it fair to saddle such an expense upon the counties and boroughs where elections took place? His hon. and learned Friend the Member for Bath (Mr. Phinn) had suggested, in order to prevent frivolous and vexatious contests, that the candidate might be required to pay his portion of the expenses, unless he polled a certain proportion of the votes recorded. He thought, however, that there might be considerable difficulty in carrying that suggestion into practice. They must fix, for example, upon some proportion of votes. It might happen, if they made it large, that a *bonâ fide* candidate might by some accident fall short of the proportion established. If, on the other hand, the proportion were small, it might not prevent frivolous and vexatious contests. For the reasons, then, which had been stated, he thought that his hon. Friend the Member for Montrose would do best to accede to what appeared to be the feelings of the majority of the House, and withdraw his Bill. If his hon. Friend should find, upon reconsidering the matter, that he could propose a Bill free from the objections which had been stated, and which he thought were fatal to the accomplishment of the very principles proposed, he was quite sure that the House would give it their most attentive and favourable consideration. If his hon. Friend persisted, therefore, in pressing his Bill, he should feel obliged to vote against its second reading.

Sir GEORGE GREY said, he entirely agreed in the advice which had been given by his hon. Friend (Sir B. Hall) not to press this Motion; but he could not concur in advising him to bring in a second Bill embodying the suggestions which had been made. He objected *in toto* to the principle of the Bill, and could not agree with the preamble, that it was expedient that all Members of Parliament should be relieved from the expenses consequent upon their election. It was, he thought, an ungracious thing for them, sitting there, to pass a Bill transferring a charge from themselves to their constituents. The expenses of hustings formed a very inconsiderable part of the expenses of a contested election, and the Bill, therefore, only went a very short way in assertion of its principle. But beyond that, was there really any practical evil to be remedied which demanded this measure? He thought that there was not, and he was therefore not prepared to accede to the principle of the Bill. He certainly could not agree to the suggestion of his hon. and learned Friend the Member for Bath for obviating the effect of this Bill in encouraging contested elections, if it passed in its present shape. He thought if a man could find a proposer and seconder among a constituency, that he had a right, if he liked, to demand a poll, and they were not justified in saying that he should be fined if he did not find a certain proportion of supporters. The Bill would also have the effect of preventing candidates from withdrawing, and was altogether so objectionable, both in its principle and details, that he must oppose its second reading, and protest at the same time against the introduction of another Bill founded upon similar principles.

Mr. BARROW said, he objected to the Bill, because it called upon persons who were ratepayers, but might have no votes, to contribute a share towards the expense of elections in which they took no part.

Lord ROBERT GROSVENOR said, he should support the Bill, for in the county which he represented the hustings' expenses formed no inconsiderable part of the whole cost of an election; but, beyond this, these hustings' charges were very frequently made the instrument of corruption. His belief was, that all the Bribery Bills would be perfectly useless unless a Bill were brought in to exempt candidates from paying the expenses of hustings, of treating, and of out-voters. As for the objection about compelling persons who had no votes to pay their share, he thought that it was perfectly frivolous, because he looked upon a Member of Parliament as the representative, not of the electors only, but of the non-electors also of the district which he represented.

Lord HARRY VANE said, he could not admit that the hustings' expenses could have any corrupt influence upon the election. They were always ordered by the returning officer, who was usually the sub-sheriff of the county, and he knew that that official carefully abstained from taking part in the elections. The hustings' expenses were very trifling, and he believed that the Bill would only have the effect of increasing the number of contested elections. For this reason he should vote against it.

Mr. W. WILLIAMS said, he approved of the principle of the Bill, but thought it essential that some means should be taken to provide against fictitious candidates.

Mr. SPOONER said, he would beg to move, as an Amendment, that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. HUME, in reply, said he had no personal interest in the question; but the indisposition which had been manifested to accept his Bill only proved to him the truth of what he had so often said, namely, that that House had never shown itself really anxious to put a stop to corrupt practices in the election of its own Members.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 57; Noes 154: Majority 97.

Words *added;* Main Question, as amended, put, and *agreed to.*

Second Reading *put off* for six months.

MEDICAL PRACTITIONERS (No. 2) BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. CRAUFURD said, he rose to move, as an Amendment, that the House should resolve itself into a Committee upon the Bill that day six months. His opposition to the Bill was simply grounded upon the fact that it was defective in principle, that it was not a progressive but a retrogressive measure, that it would prove injurious not only to the medical profession, but to the public at large, and that it would only confirm the anomalies and increase the difficulties of the present state of the law. The Bill proposed that every person who was registered under this Act should be entitled to practise as a medical man; but it imposed no educational test whatever as the groundwork for being registered. He could come to no other conclusion than that the Bill was simply devised for the purpose of creating registration fees throughout the country to be given to some persons or other—whom he knew not. The Bill would create three new places, and give increased patronage to the Government. The medical profession in Scotland were strongly opposed to this Bill, owing to the manner in which it dealt with Scotch diplomas, and he believed that his right hon. and learned Friend the Lord Advocate also entertained serious objections to the measure. He would not further detain the House, as he had now pointed out the principal defects of the Bill, and he trusted they would reject it.

MR. WARNER said, in seconding the Amendment of his hon. and learned Friend, he considered that the present Bill would not only increase the patronage of the Government, but that its great fault was, that it proposed to deal with one of the most important of the human sciences in a way which tended, not to encourage its advancement, but which would materially check it. The real motive which had induced the corporate bodies mentioned in the Bill to agitate for a measure of this kind was, because they felt that the new sciences of medicine were so encroaching on their antiquated system that it was absolutely necessary to put a stop to them. He did not think that the medical profession could be at all aided by placing restrictions on medical study, and the medical schools of this country must be subjected to competition, otherwise they would rank lower than those of any other country of Europe.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day six months, resolve itself into the said Committee," instead thereof.

COLONEL DUNNE said, he should oppose the Amendment, for the medical profession of Ireland generally approved the provisions of the Bill. He was, however, bound to say that the Bill did not so much affect Ireland as this country, for in whatever part of Ireland a man might be, he could be certain of receiving proper medical attendance; but he, although there were many eminent men in the medical profession in England, would rather go into the heaviest fire of a battle than submit to the medical treatment he would generally meet with in an English village. He thought it absolutely necessary that the means provided by the present Bill should be adopted, in order to protect the public from those not duly qualified to practise in the medical profession.

MR. PHINN said, he hoped that this measure would not share the fate of many of the "innocents" on the Wednesdays of this Session, and, having passed through a second reading, he trusted the noble Lord the Secretary for the Home Department would not now ruthlessly put an end to it. He had been requested by many gentlemen of the medical profession to support the present measure, thereby advancing the cause which they had at heart, that the public might see who had and who had not received a medical education. Taking the analogy of other professions, they found that an attorney could not practise without having his name on the rolls of court, that a barrister must be a member of one of the Inns of Court, and that a clergyman must be ordained; therefore, he considered that this proposed registration could not be objected to. It might not be the best qualification; still persons would see from it those persons designated by the Legislature as qualified to practise, and would in some degree be protected from those quacks who had not the slightest pretensions or qualification for practising. His hon. and learned Friend (Mr. Craufurd) had said that the present Bill would create further patronage for the Government. If this were so, then the Government would, no doubt, receive the Bill with open arms; but he was very much afraid that they would disclaim the patronage which it was supposed this measure would give them. He could not say that this Bill dealt as comprehensively and efficiently with medical reform as he could have wished, still he trusted that, as there existed so great a difficulty in reconciling the opinions of the medical profession on this subject, the House would regard the Bill as a step in the right direction, and decide that registration should be adopted.

Mr. HENLEY said, that there was some difficulty in knowing what really was the principle of the present Bill. If it were intended merely to make a list of doctors, there would be very little good or harm in that; but he suspected from the last clause that it was intended to give a discretionary power to those who made the registration as to whom they would enter and whom they would leave out. In fact, the Bill appeared to him to be an attempt to set up a very extensive machinery to tax every doctor in the country, and to put upon Government the not very enviable task of selecting three doctors to be the objects of the animadversion of the whole profession. He knew that medical reform was a difficult subject to deal with, but, as he did not think that the present Bill would render it one jot the less so, he should vote against it.

Mr. LASLETT said, he felt it his duty to oppose the Bill, as it was a measure affecting unfavourably a large majority of the medical profession.

Mr. DIGBY SEYMOUR said, he could not agree with the suggestion of the hon. and learned Member who had moved the Amendment, who, admitting that the principle of registration was good, thought that the measure ought to be larger, and should be kept back until some uniform educational test could be introduced, and the medical profession could be brought under one system. This, under the present state of things, was nearly impossible. He considered that the principle of the Bill was unexceptionable, and should therefore support it.

Viscount PALMERSTON said, he was afraid that he must perform the ungracious duty which the hon. and learned Member for Bath (Mr. Phinn) had said he was sometimes in the habit of discharging; but he did not know that he could quite concur with the hon. and learned Gentleman in thinking this Bill one of the "innocents;" on the contrary, he was inclined to think that, if it were to have any effect at all, it would be rather mischievous than innocent. But he must beg, in the first place, to defend the medical profession of England from the charges and imputations brought against them by the hon. and gallant Member for Portarlington (Colonel Dunne). He was happy to think that that misapprehension on his part as to the merits and qualifications of the English medical practitioners must have arisen from a circumstance in which they all of them must greatly rejoice, namely, the enjoyment by the hon. and gallant Member of the most perfect health while he had sat in that House. If the hon. and gallant Gentleman had been visited by any of those constitutional maladies which sometimes afflicted Members of that House, and prevented them from attending to the discharge of their legislative duties, whether he had sought advice in London or had fled to the purer air of the country, he would in either case have acquired practical experience of the skill and ability of the medical profession in England. To pass from that point, he thought this measure, as it stood, would have the effect of giving a Parliamentary sanction, as it were, to a number of persons who were not, perhaps, qualified in the manner in which persons ought to be qualified, who ought to enjoy the benefit and privilege of a Parliamentary sanction in the way of a registration. No doubt, the object ought to be to register those medical practitioners who were duly qualified, by education and attainments, to follow their profession; but he did not think this Bill would accomplish that object. It would register a number of persons who had obtained their diplomas from a multitude of bodies, many of which were not well qualified to give diplomas that ought to be a proof of the qualifications of the persons who held them. He granted that the medical profession required some considerable alteration; it was at present a chaos that quite bewildered a non-professional man who attempted to find a remedy for existing evils. It was very true, with reference to the majority of the medical body, that they did not much aid those who had for their object the improvement of the profession. It often happened to others, as it had frequently happened to him, that a number of medical practitioners waited upon him and assured him that the provisions of this Bill would be of great public advantage, and was approved by the profession generally, but at no very distant period he would find that a large portion of the profession differed from and disapproved the measure. He spoke with all deference to those better informed on the subject than himself, but, from the consideration which he had given it, he thought that there were some general principles which might guide them in seeking to improve the medical profession. He said it with great deference, but, as far as the matter had been brought under his consideration, he should say that what they wanted was some uniform system of education, and some uniform test of qualification in the different branches of the profession. At the present moment there were, he believed, twenty-two different bodies entitled to give diplomas, and, as had been stated in the course of the debate, some of those bodies lowered their fees and their standard of examination in order to outbid the others, and the result was, that many persons were practising who were not competent to perform the duties which they had undertaken to discharge. He would be happy if he could be able, on communication with the leading members of the different branches of the profession, to propose to Parliament some measure that at least would lay the foundation of an improvement in the medical profession. He could not pretend to say at present that he was prepared with such a measure, but he thought a part and consequence of that general arrangement would be a system of registration. He thought a system of registration would be of advantage to the profession, and to the public at large; but this Bill put the cart before the horse, and made the consequence the preliminary to the cause. He was therefore disposed to support the Amendment.

MR. NAPIER said, that the House having sanctioned the second reading of this Bill, he did not think it was a very fair course to oppose the Motion for going into Committee. The noble Lord (Viscount Palmerston) seemed to have some idea in his mind regarding a uniform plan of giving medical certificates or diplomas. How was that notion to be carried out? Did the noble Lord mean to convert all the institutions which now granted diplomas into one great medical university? He admitted that diplomas should only be given to properly qualified persons; but that object could only be effected by means of an improved system of education, and were the people to be left in the hands of quacks until such time as Parliament should find itself able to establish a better system of education? He hoped the House would proceed to consider the Bill in Committee.

MR. BRADY said, he would not imitate the personalities of the hon. Gentlemen who had moved and seconded the Amendment. He thought the House was sufficiently aware of the anomalous and unsatisfactory state in which the medical profession was at the present moment. The noble Lord had told them that there were twenty-two bodies who had the power of granting diplomas, but they had no regular standard of qualification or examination; and, as a measure of justice alone, the measure was imperatively called for. With regard to the patronage which it was said the Bill would confer, he should like to know how such a measure could be carried out without machinery, and he had adopted his from the Bill proposed on a former occasion by the right hon. Baronet the First Lord of the Admiralty. The objections and opposition to his measure had been got up, in the first place, by the Provincial Medical Association, which was so well represented by the hon. and learned Member for Ayr (Mr. Craufurd). They had sent circulars to all parts of the country and to the metropolis. He would not trespass further upon the time of the House, because the principle of his Bill had been already recognised and sanctioned by the House. He could not understand what objection could be urged to a medical man being the proper person to register the professional men of this country, and he would conclude by observing that, if the present measure passed, it would be a great blessing to the profession and the community.

MR. HUME said, he felt bound to do justice to the motives of the hon. Gentleman who had introduced the Bill. It was to provide for the registration of duly-qualified medical men, so that the public would be able to discriminate them from the pretenders. He thought no hon. Member could find fault with such a step, and he trusted that they would yet be able to accomplish some reform in a quarter in which it was so much required.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 69; Noes 118: Majority 49.

Words *added;* Main Question, as amended, put, and *agreed to.*

Committee *put off* for six months.

WAYS AND MEANS—SUGAR DUTIES.

Order for Committee read; House in Committee of Ways and Means.

MR. WILSON said, that it would be recollected that on a former evening, in passing Resolutions with respect to the sugar duties, it had been found impossible at the moment to arrange exactly the manner of dealing with the duty of sugar in breweries. That difficulty was now overcome, and he had therefore to move a Resolution making the duty on sugar used in breweries correspond with those agreed to in Committee the other evening. He had another Resolution to move also arising out of an omission, but an accidental one, on Monday night. That Resolution ran thus:—

> "That, towards raising the Supply granted to Her Majesty, there shall be raised, levied, collected, and paid, on and after the 9th day of May, 1854, an additional Duty after the rate of fifteen pounds per centum upon the produce and amount of the Duties of Customs upon Sugar, which are now due and payable to Her Majesty."

It would be observed by the Committee that the word "and molasses" were omitted. He doubted whether this omission was of any moment, as "sugar" really included "molasses;" but still, to put an end to any doubt, he proposed to move a Resolution extending the additional 15 per cent to the duty on molasses, making that additional 15 per cent payable from and after the 8th May, so as to commence with the additional percentage on sugar. The Custom-House authorities had already considered themselves justified in taking the 15 per cent to extend to molasses, they being advised by their counsel that sugar included that word. The hon. Gentleman concluded by moving Resolutions in accordance with his statement.

MR. HUME said, the House had passed an Act declaring that the duties on sugar should remain at a given rate until the 5th of July, 1854, and he did not think they had any right to add 15 per cent to those duties before that time. He thought they ought to be very cautious not to violate existing laws in which other parties were concerned.

MR. THOMSON HANKEY said, he believed it would be satisfactory to many persons interested in this matter if some fuller explanation were given on one important point. In the statement made by the Chancellor of the Exchequer the other night, he did not clearly explain whether he proposed to make any alteration in the standards of quality of sugars in this new system of duties. The importers of sugar would be affected by any alteration that might be made in the standard of quality, and he had, therefore, to ask the hon. Gentleman the Secretary to the Treasury to explain more fully the exact mode in which it was proposed to alter the scale of duties, and how far the new proposed scale differed from the one now in existence?

MR. WILSON said, he would endeavour to state, in a few words, the distinction which they proposed to make in the new scale of duties. The Committee was aware that almost the only complaint at the present time in regard to the operation of the existing law was this, that the scale of duties did not operate fairly with respect to the various qualities of sugar. The producers of low sugars complained that, although nominally they paid the same amount of duty as the producers of the higher qualities, yet, in reality, they paid a larger duty, inasmuch as the article they produced did not yield the same amount of saccharine matter, and consequently of refined sugar, as that produced by the other parties. Now, he really assented to that statement; but the question was, how to remedy the evil. The Government had been strongly urged to allow refining in bond; but there were so many objections to that system, that the Government had resolved not to adopt it, at least under present circumstances. They had determined, in the first place, to attempt to equalise the duties upon a different plan. At the present moment there were three scales of duties applicable to colonial sugars. The first, 10*s*. per cwt. for the lowest class; the second, on sugars of the quality of brown and white clayed, 11*s*. 8*d*.; and the third, refined sugars, 13*s*. 4*d*. With regard to foreign sugars, the Act of 1848 provided for four scales. There was a scale, in the first place, for a quality below brown clayed; secondly, a scale for a quality equal to brown clayed; thirdly, a scale for white clayed; and fourthly, a scale for refined. The duty on the lowest quality of foreign sugar had never been applicable to colonial sugars;

and what they proposed was to attach a duty of 12*s.* per cwt. to the great bulk of yellow and the best quality of brown colonial sugars, and a duty of 11*s.* to the lowest qualities, thus making a distinction which had not hitherto been made. By that means they hoped to remedy the evil of which complaint was made. Upon the consideration of protecting the revenue, and making a fair apportionment of duty to the amount of saccharine matter contained, it was intended to modify the standard of white clayed sugars. With regard to the lowest scale—which would be charged with 11*s.* duty—or sugars of a standard not equal to brown clayed, it was a very low standard, and therefore admitted only a very small quantity—last year, he believed, only 9,000 out of 390,000 tons consumed. The Government proposed to raise that standard considerably, so as to let in a considerable portion of West India sugars not let in by the present standard. The chief object of the alterations would be to modify the standard in such a way that each quality might pay, as nearly as possible, duty in proportion to the real quantity of saccharine matter contained.

Mr. GREGSON said, it would be a very advantageous measure if there was one uniform duty on all classes of sugar.

Mr. DUNLOP said, he trusted the Government would, in the event of the differential rates of duty, according to quality, being carried, also consider whether differential drawbacks could not be allowed. With respect to the words in the Resolution, "from and after the 8th day of May," he objected to giving it a retrospective operation. On Tuesday night they had passed a Resolution, in which 15 per cent was added to the duties on sugar; nothing was said about molasses. The Resolution now proposed, therefore, became necessary; but according to all precedent, which it would be unwise for the sake of two days to disturb, increased duties took effect from the date when the Resolutions were passed.

Mr. HUME said, he was not aware, until now, that the omission of molasses had taken place, but he remembered a similar omission with respect to the timber duties for one day, and all transactions in the particular class of timber omitted for that day were free of duty. He did not believe it possible they could pass a Resolution on the 10th to come into operation on the 8th. Supposing individuals, knowing of the omission, had in the two days purchased molasses, they were not to be fined in the duties for the negligence of a Government department. He therefore objected to the 8th of May standing in the Resolution.

Mr. WILSON said, that although he had used the precaution of bringing in this Resolution, yet he did not think it was absolutely necessary to do so in order to include molasses, because the Resolution passed the other night declared that certain additional duties should be levied on sugar, and in every Act for regulating the duty on sugar molasses were treated as sugar. The Commissioners of Customs held themselves justified by the terms of the Resolution of Tuesday night in including the duty of molasses in that of sugar, but that there might be no dispute he proposed this Resolution. Had that not been the case he should have yielded immediately to the suggestion made, but as molasses had always been treated as sugar, and as the Commissioners of Customs considered molasses a description of sugar, he thought the Committee would feel no difficulty in passing the Resolution in the form proposed.

Mr. HENLEY said, the real question was, not what was the opinion of the Commissioners of Customs, but whether without this Resolution they could introduce into the Act of Parliament power to levy duty on molasses. There could be no doubt it was understood the 15 per cent was applicable to all kinds of sugar and molasses, and if the power of levying it on molasses could be introduced into the Act of Parliament there could be no difficulty.

Mr. WILSON said, there could be no doubt about that. The Commissioners of Customs had been already advised that they could collect the duties, and had collected them.

Mr. HENLEY said, he was very glad the Government had undertaken to modify the scale, but he thought it was very desirable full notice should be given as to the mode in which they would modify it, because it was a matter of importance to parties interested that the Committee should not be called on to come to any hasty decision. He was one of those who regarded the modification of the scale as a tardy act of justice to a certain proportion of sugar producers, on whose produce there had been a seeming, and not a real, differential duty.

Mr. WILSON said, he admitted the

question as to drawbacks, referred to by the hon. Member for Greenock (Mr. Dunlop), was an essential one. Hitherto export drawbacks had been allowed to two qualities of sugar—highly refined sugar, or loaf sugar, and the common brown sugar, the residue of the refining. But a practice had risen up in the tráde of manufacturing various qualities—crushing sugars—and selling them in their manufactured state. It was suggested that, although the demand for them was at present confined to this country, yet an export trade might spring up in those qualities of sugar. The subject had received considerable attention, and he should be glad if, in connection with those in the refining trade, he could devise a plan to take intermediate drawbacks. If that could not be done in the present Bill, perhaps power might be taken, by Order in Council, or by order of the Treasury, to allow intermediate drawbacks on the varieties of sugar in the market. He was free to admit that the whole value of the measure depended not on the words of the Act of Parliament, but on the actual standard fixed. He had taken the pains to put himself in connection with practical men, to ascertain what would be a proper standard. He did not mean to say he was now ready to fix the standard, but he was ready, with the assistance of the refiners and East and West India merchants who might make representations through Members of the House, to consider the question, so that they might fix a standard which would be fair to the various parties interested.

Mr. HANKEY said, the proposal of the hon. Member for Lancaster (Mr. Gregson) to make one uniform duty was an extremely unsatisfactory mode of levying the duty to importers of sugar from the West Indies. They felt that the duty ought to be levied on the gross quantity of sacharine matter which the sugar contained, and on that principle had contended for refining in bond. An approximation towards that principle was now offered by Her Majesty's Government; it would be received as a boon by the West India body; and he begged on their behalf to thank the Government for it. He hoped they would fix a standard which should give the benefit to which he alluded.

Mr. SANDARS said, he wished to know whether the extra malt duty would be levied on all stock on hand, and whether allowance would be made for screening?

Mr. Wilson

Mr. WILSON said, the increased duty would be levied on all holders of malt of every description. An erroneous impression had got abroad that it would be levied on the large consumers, and not on the dealers. Such was not the case. As to the allowance, he believed three, four, or five per cent would be allowed for screening.

Mr. HENLEY said, he wished to know if it was to be understood that private persons were not dealers?

Mr. WILSON said, he should perhaps have said factors. He did not suppose the Excise Office would follow small dealers. He might mention that, as an additional security, there would be a clause in the Bill which would enable the officers to require the factors and dealers to state on oath what stocks of malt they had on the day the Resolution was passed.

Mr. DUNLOP said, he was not quite satisfied with regard to the point as to molasses. If it was the case that the Resolution carried the other night really did include molasses, no injury would be done by leaving out these retrospective words. The hon. Gentleman (Mr. Wilson) said it was to prevent disputes, but disputes were more likely to be caused by putting in retrospective words, contrary to the usage of Parliament. He should be very unwilling to divide the Committee, but they ought to adhere to the ordinary form of these Resolutions.

Mr. ALEXANDER HASTIE said, as to molasses being sugar, it was all nonsense. Molasses were always scheduled separately and distinctly. If his hon. Friend divided the Committee, he should feel constrained to vote with him. He had no doubt but that the decision of the Government on Monday last had already been acted upon in Glasgow and Greenock. He considered that it would be very unfair to go out of their way to make alterations, and he thought that they ought to consider well how, for the sake of the war, they trespassed upon and broke through the established usages of the country.

Mr. HANKEY said, he hoped that the hon. Member would not divide the Committee. Nobody could possibly have been wronged. He would venture to say nobody had paid a different duty than they would have paid under this Resolution. He had not the smallest doubt the head of the Customs had taken care to inform every one what would be the proposed rate of duty, and that proposed rate was understood by every one to include molasses as part of the ordinary classes which were scheduled in all Acts relating to sugar. Instead of facilitating, the alteration of the Resolution would embarrass the Custom House, by raising a doubt as to the object and intention of the Resolution already passed. He was quite sure nobody in the trade had been deceived, and it would only be misleading the public connected with the trade if they implied any doubt as to what ought to be the course taken by the Custom-House officers. If there was any doubt, it must be settled by the law officers of the Crown; it could not be settled by a Resolution of that House.

MR. HUME said, that invariably from the passing of the Resolution the Customs were warranted in levying the duties. It would be dangerous to admit the precedent that a Resolution of the 10th would justify their collecting duties on the 8th and 9th, and therefore he should propose to strike out the words "from and after the 8th of May." A retrospective vote was not consistent with the character of that House, and he would certainly divide the Committee upon the question.

MR. WILSON said, in the present state of the House, if he opposed the alteration, probably on a division they would discover there was no House; he should have the Resolution thrown over to another supply day, and, therefore, lose two days' more duty. The most discreet plan, he supposed, was to substitute the 10th to the 8th. He was quite ready to trust to the state of the law for the two days' duty.

MR. CRAUFURD said, he wished to know if they were to understand that molasses were not included in the two days?

MR. HUME said, he understood that if the Customs were right in their interpretation of the law, molasses cleared on those two days would be liable.

Resolved—

1. "That, towards raising the Supply granted to Her Majesty, there shall be raised, levied, collected, and paid, on and after the 10th day of May, 1854, an additional Duty, after the rate of fifteen pounds per centum, upon the produce and amount of the duties on Molasses, which are now due and payable to Her Majesty in the United Kingdom, under the management and direction of the Commissioners of Her Majesty's Customs."

Resolved—

2. "That, towards raising the Supply granted to Her Majesty, there shall be raised, levied, collected, and paid for and upon all Sugar which, after the 10th day of May, 1854, shall be used by any Brewer of Beer for sale in the brewing or making of Beer, the Duty of Five Shillings and Twopence, for every hundred weight, and after the like rate for any greater or less quantity than a hundred weight of such Sugar; in lieu of the Duty of Excise chargeable on such Sugar, under the 3rd section of the Act 13 & 14 *Vic.* c. 67, but over and above all other Duties, whether of Excise or Customs."

House resumed.

The House adjourned at half after Five o'clock.

HOUSE OF LORDS,

Thursday, May 11, 1854.

MINUTES.] *Took the Oaths.*—The Earl of Seafield.

PUBLIC BILLS.—1ª Militia.

2ª Exchequer Bills (£16,024,100); Episcopal and Capitular Estates Management, 1854.

3ª Church Building Acts Continuance.

JUVENILE CRIMINALS—REFORMATORY SCHOOLS.

EARL FITZWILLIAM *presented* a petition from justices of the peace of the West Riding of Yorkshire and from Swansea, praying that reformatory institutions may be established for the reformation of juvenile offenders.

LORD BROUGHAM entirely agreed in the opinion that they should make every effort for the purpose of improving the system of secondary punishment, and, above all, of improving it by means of these reformatory schools. He had mentioned lately that he had deemed it his duty, during a late visit to a neighbouring nation, to repair to Tours for the express purpose of examining that most important institution, the reformatory establishment at Mettray. He had heard it stated in France that the establishment at Mettray was the original of these excellent institutions; but that was not so, because nineteen years before the establishment of the institution at Mettray in the year 1839, namely, in the year 1820, an establishment was formed at Stretton-on-Dunmore, in the county of Warwick. He would not say that it had succeeded so well as the Mettray system had succeeded, because Mettray was established after the experience of the English establishment, and its originators had benefited by that experience, as well as by the results of a similar experiment which had been made with more or less success in the neighbourhood of Hamburg; but it was impossible to deny that the amount of the relapses was less considerable there than they had been on an average of years at Stretton-on-Dunmore. He never saw anything in such a state of order as the establishment at Mettray was, when he had an opportunity of seeing it, and when he examined that school. The whole proceedings of every individual from the moment he enters until he leaves the establishment are registered. An accurate account is kept of his conduct and of his misdemeanors, more or less slight—and most of them are very slight; of the rewards he has received, and the punishment, extremely slight and well contrived, to which he is subjected; and on his leaving the establishment a watch is continued to be kept on the place where he is hired (it is chiefly an agricultural establishment), with the farmers and gardeners in the neighbourhood; so that the returns year after year tell precisely the whole effect of the system of discipline, and not only of discipline, but of kindly and patriarchal management, by which these persons had been dealt with. The plan adopted was to divide the whole of the inmates into families, each being under a chief, who had in most instances been educated in the place, and the persons composing the staff of officers had been taught the system by years of experience on the spot. He regretted to hear that the Stretton-on-Dunmore establishment had, within the last six weeks, come to an end from the want of funds. It had been supported during the whole period of its successful existence of forty years entirely by voluntary contributions, no aid whatever having been given by Government, or by any public body, and it had now come to an end—he was sorry and ashamed to say—entirely from the want of funds. Funds for the Mettray establishment, and similar ones in France, no doubt were furnished by private individuals; but very large contributions were made to them—without which they must have failed, as well as others—by the enlightened wisdom of the French Government.

Earl FITZWILLIAM said, he took it for granted that if reformatory schools should be established, the expenses would be paid out of the public funds; and then came the very important question, whether they should be maintained out of the national funds or out of the funds of the county in which they should be established. He apprehended that they would not be complying with the wishes of the petitioners unless some public fund was appropriated for the maintenance of such establishments.

Petitions to lie on the table.

Lord Brougham

THE WAR WITH RUSSIA—QUESTIONS—TRANSPORT OF TROOPS—LAND CARRIAGE.

The Earl of ELLENBOROUGH: My Lords, I gave notice some days ago to the noble Duke the Secretary of War that I should take an opportunity of putting to him some questions of considerable importance with regard to the army now employed in Turkey. The first of these questions relates to the transport of troops to Turkey. The House of Commons, a few days ago, voted a sum of not less than 3,096,000*l.* for that purpose. That appears to me, my Lords, a startling sum; and I must say that, at the commencement, as we now are, of a very expensive, a very difficult, and, I fear, a very long war, it appears to me to be our bounden duty to look most closely into all the details of the expenditure from the very commencement. If we early pay a bill, large as it is, without looking into its details, we shall soon come into difficulty, and there will be a general reluctance on the part of the people to prosecute a war that is so expensively and perhaps so recklessly conducted. I have seen that the expenditure for transport of troops is 3,096,000*l.*; and as far as I can gather from what has been stated in another place by a Minister of the Crown, we have already sent 25,000 troops, and I believe the total number to be sent is 27,000, and, as far as I can calculate, the number of horses for cavalry and artillery will be about 5,000. Now, my Lords, the expense for which any lady or gentleman can proceed to India, round the Cape of Good Hope, with every possible comfort, is about 100*l.*; so that, if every individual soldier had been sent to Turkey at the same rate of expenditure at which a lady or gentleman could proceed to India, the expense would have been 2,700,000*l.* I find, also, that the expense of sending a gentleman's horse to India, without any additional charge for attendance—which in this case would not be incurred, as there is a soldier to every horse—is 50*l.*; so that, if all these horses had been sent to India round the Cape, the expense would have been 250,000*l.*; consequently, the whole expense of sending these horses and these ladies and gentlemen round the Cape to India would have been 2,950,000*l.*—that is, it would have been less by 146,000*l.* than the amount of cost of sending these 27,000 men and 5,000 horses to Turkey. My Lords, I thought, in considering this subject, that it was advisable to look back to what had been the expenditure under the head of transport in former times, and I selected, as the most convenient time to refer to, the year 1808, a year in which great expenditure occurred on account of the war in the Peninsula. In that year, when it must be remembered that there was a depreciation in the currency of nearly 18 per cent, what was the expenditure? I find that in that year the whole charge for transport was 2,900,000*l.*, but that included a sum of 800,000*l.* for the maintenance of prisoners of war; so that the whole sum, including the depreciation to which I have referred, was 2,100,000*l.*—that is to say, very nearly 1,000,000*l.* less than the sum asked for to pay the transport expenses of the present year. Now, my Lords, we have been told that never had exertions so great been made as at the present moment, and I thought it as well to look back to the year 1808 to see what took place then. I find that in that year the troops which were sent from this country greatly exceeded in number the force which has now been put in motion for service in Turkey. I find that in that year, at an early period of the year, 10,000 men were transported to Sweden; at a later period 5,000 men were despatched to Gibraltar, and by the close of the year the number of men sent to the Peninsula amounted to 49,000. In addition to that force there were also 6,696 horses; so that there were nearly 1,700 horses and 22,000 men more sent to the Peninsula than we have now sent to Turkey; and yet the expense of transport in that year was nearly 1,000,000*l.* less than in the present year. My Lords, I must say that it is necessary to make some deduction from the charge for transports for the present year, because I think that there are charges under that head which were not paid by the transport department in the year 1808. I have selected a few items, amounting to 293,000*l.*, which ought to be deducted on that account, including 160,000*l.* for coals for the engines, which of course could not occur in the year 1808; and after that deduction I find that the total charge for the present year is above 2,800,000*l.* I have already stated that the charge in 1808, after deducting the amount required for the maintenance of prisoners of war, was 2,100,000*l.*; so that the real difference is 700,000*l.*; and, if to this I add the sum of 468,000*l.* on account of the depreciation of the currency 18 per cent, the practical difference becomes 1,168,000*l.* I think, my Lords, that this statement is not suggestive of any blame to the Government, or to any officer of the Government, but that it justifies me in asking for some explanation of the items of which that large sum is composed. My Lords, I may mention one circumstance which fell under my own knowledge, and which induces me to think that the detention of transport ships may have some effect upon the great bulk of this charge. On the 8th of March I went on board two transport vessels, and on inquiring how long they had been engaged, I found that they had been engaged from ten days to a fortnight, and that they were ready to receive troops in three days. This was on the 8th March, and they sailed about the 8th of April; so that an additional expenditure had been incurred by the detention of those vessels—in the case of one of them of 1,800*l.*, in the case of the other, of 1,350*l.* These were only two vessels; and there are a great number, for, as your Lordships are aware, the cavalry is only now on the point of sailing, while the ships necessary for their transport have been in the hands of the Government for a considerable period. There is another matter of a totally distinct nature about which I also wish to put a question to my noble Friend—and that is, I wish to ask him in what manner it is proposed by Government to pay the troops now serving in Turkey? I have made such inquiries as I could with regard to the currency in Turkey, and I have ascertained that that currency is depreciated 82½ per cent, that the silver currency is only copper washed with silver, and that the copper is visible at the edges of the coin and on the inscription. That currency is undergoing still greater depreciation, and the sovereign which in January was worth 125 piastres, is now, I understand, worth 150 piastres. It is, therefore, quite impossible that Government can pay the troops in the currency of the country. I understand that at Malta and at Corfu the troops are paid in the currency of England; but there is a difficulty in Turkey connected with our currency which does not exist at Malta or Corfu. The English soldier may have shillings, and the French soldier may have francs worth one-sixth less than our shillings; but the English coin meeting the French coin in the market will hardly obtain the value of this difference in exchange. It may be advisable to coin tenpenny pieces, nearly equivalent to the franc, to avoid this loss; but in Turkey the larger the coin with which the soldier goes into the market the larger will be the loss, from the demand for small coin which he must have to make his purchases with. I should propose enabling the soldiers to go into the market with a still smaller currency more nearly resembling the silver coin of twopence; and it would be desirable, I think, to strike a number of those coins and distribute them, because they would nearly correspond with the current value of the piastre. I will venture to mention to your Lordships that in the Indian army there is in almost every regiment a person whose duty it is to change rupees into pice —the rupee contains sixty-four pice, and he is permitted to give sixty-three pice. It is found practically to be of great convenience; and I apprehend that the Government would do well to consider whether they cannot in some manner give the English troops in Turkey the same advantage as that possessed by the troops in India from this arrangement. They need not employ natives in this matter; their whole staff need not extend beyond the regimental paymaster; and I see no reason why arrangements could not be made through the Commissariat, which would place the paymaster in a position that would enable him to make the rate of exchange more favourable than the soldier could otherwise obtain. If the paymaster were enabled to pay the soldiers in small silver coin, they would at the same time afford them an opportunity of changing the small silver coin for the current coin of the country. This arrangement is sustained by its uniformly satisfactory practice in India. I am aware that what I am suggesting is not in accordance with the rules of political economy, and that it interferes with individual enterprise and fair competition in the market; but I am satisfied that the individual enterprises of the Armenian *shoof* would be too strong for the individual ignorance of the troops. The soldiers would be cheated, and would become exceedingly angry, and the result of that anger might be, that blows would be introduced into the currency of the market, and exercise a considerable influence on the price of commodities, while the coin on the other side might be knives and stilettos. These are inconveniences which ought not to exist, and I recommend my noble Friend (the Duke of Newcastle) to take the matter into serious consideration. There is one other point to which I wish to call the attention of the noble Duke. I desire to know what measures have been adopted to afford the means of moving the army in Turkey? My Lords, I see by the public press that it is a common error in this country to suppose that the moment these troops are landed with their cavalry and artillery, the officer in command can move them wherever he pleases, or wherever the exigencies of the service may require. There cannot be a more grievous error. I do not state this upon my own authority, but I will take the liberty of reading to your Lordships an extract from a letter which I received about twenty-five years ago from the late Duke of Wellington, and which referred particularly to the condition of the Russian army in Turkey in the campaign then in course of progress. I had written to the Duke to ask him to be good enough to state his views as to the best mode of conducting any future war in Burmah in which this country might be engaged. The Duke in his reply pointed out the cause of the vast expense of war beyond sea as being the transport of animals, without which it was impossible to move an army, and he pointed out the great advantage the Russians then had in being able to transport troops by sea within a short distance of Constantinople; but that those troops could not move for want of animals and were thus useless. Now, it is, of course, impossible for me to judge what may be the amount of our force in Turkey which may be employed in operations inland, and what part may be required for garrison duty at Gallipoli or Constantinople, or for operations upon the shores of the Black Sea. That, of course, rests entirely with Her Majesty's Government to decide; but I will say, that even where our troops are in garrison, as they may be considered to be at Gallipoli, even there some animals are required for the purpose of alleviating the labour of the troops, for the purpose of enabling them to bring stores, ammunition, provisions—everything they require for the service—from the shore, which is at a distance, I understand, of nearly seven miles from the camp. More than that; if troops are to be removed by sea to any point upon the shores of the Black Sea, even there animals will be required; for that force, when thrown on shore for the purpose, it may be, of besieging a fortress must land heavy guns—must bring up all its provisions from the beach—all its stores and *matériel.* In former times no provision—or, at all events, very inadequate provision —was made for the purpose of enabling our expeditions to have the advantage of the use of animals with which to make these necessary movements. Seamen and marines—especially seamen—were employed to a very great extent. It has necessarily very much disheartened these men to have to draw all these heavy guns and stores to, frequently, a considerable distance. They have, however, done that duty zealously and well, and would do it again, no doubt; but it must be recollected that while on shore the efficiency of the fleet, which may be suddenly called into action, is diminished by their absence, and also that these operations are conducted much more slowly than if the men had the advantage of animals; and the noble Duke opposite knows perfectly well that time, in an operation of this kind, is essential to success. Again, in any operation intended to be carried on along the shores of the Black Sea a very considerable number of animals would be required (besides those for the use of the artillery) for the purpose of facilitating the movements of the troops. If these animals were to be shoved out of the ship, and made to swim ashore through the surf as best they could, and if there was no hope of re-embarking any one of them, I still think it would be no less important that they should be made use of. It must be generally admitted, I think, that it will be impossible for any very large proportion of the force to be employed in mere garrison duty. At least some portion of our expeditionary force will be employed in the interior, and it is to be considered what number of animals is absolutely necessary for the purpose of enabling that force to move in a way to execute any operation required from it. I have no doubt that I may be supposed to entertain very extravagant views with regard to the difficulty of moving an army. It is generally understood that in India the baggage attending an army is unduly and unnecessarily large. But some few years ago a great general—Sir Charles Napier—went to India. He was perfectly aware of all the embarrassments which arose out of the enormous amount of baggage, and he set himself to reform that abuse. Sir Charles Napier has given to the world his reasoning upon the subject, and the amount of baggage which he considers absolutely necessary; and, without presuming to offer any opinion of my own upon the subject, I will state to your Lordships what amount of baggage he considers absolutely necessary. Now, his calculation was founded upon the supposition that the army was a combined army of Natives and Europeans; but an army of that description requires a very much smaller amount of baggage than an army composed altogether of Europeans. Sir Charles Napier states distinctly that upon an average—of course the amount would vary according to circumstances—but, upon an average, there should be one camel to every two men. One camel was to be reckoned in the calculation as about equal to two horses; and therefore, if we are to move 15,000 men in the East, we shall require 15,000 animals. But, beyond this, Sir Charles Napier distinctly states that there ought to be a reserve of 30 per cent for contingencies; and any one who has seen the number of animals that are left upon the road upon even a comparatively short march must be of opinion that such a reserve is absolutely necessary. If, therefore, we are to move 15,000 men in any operation, we thus require 19,500 animals to enable that army to move, even upon the low and most economical calculation made by Sir Charles Napier. And then, it must be recollected that in Turkey—a country which very much resembles some parts of India—it will be necessary that the army, when engaged in operations in the interior, should move with at least fifteen days' provisions. This would require a still larger number of animals; and therefore it becomes a consideration of the greatest possible importance, for, unless sufficient means of carriage be furnished to the general, he has not any means of executing the great operations of war. I have thought it right to say this in justice to the officer in command in the East, and to the troops employed there; because, unless these means of carriage be supplied, they cannot be expected to act with that vigour and efficiency which would be desirable. The question I have to ask my noble Friend (the Duke of Newcastle) upon this subject is—what measures have been adopted for the purpose of furnishing the Army with these means of land carriage?

THE DUKE OF NEWCASTLE: My Lords, I can assure your Lordships, and my noble Friend in particular, that there is no indisposition on the part of the Government, or on my part, to give to my noble Friend, and to the House, any information we possess, provided we can do so consistently with our regard for the public service; at the same time nobody knows better than the noble Earl that it is impossible for any person, except those immediately concerned in carrying on those affairs, to know what information can be given with safety, and what information ought not to be given. Now, as an instance—before I proceed to answer the other questions put by my noble Friend —with regard to this very question of the means at our command for the movement of troops, I can assure my noble Friend that, under certain circumstances, to answer that question in the only way an English Minister can answer —that is, with entire truth—might be giving a very great advantage to the enemy, while it would effect no good in this country. Suppose that, for the purpose of carrying on the war, adequate provision had been made for the movement of troops by land, and inadequate provision made for their movement by water, or *vice versâ* that inadequate provision had been made for the movement of the troops by land, while adequate provision had been made by water—would not the fact announced in this House, however great the certainty of the mistake being corrected, and the deficiency supplied, within the next month or six weeks—would not, I say, the knowledge of that fact be of the most essential importance to the enemy, as proving what operations we could undertake, and what operations we could not undertake, and enable them to provide their measures accordingly? I only say this, in reference to the inconvenience sometimes of putting questions of this kind, and in anticipation of my inability or objection on other occasions to answer them. That inability, as regards this particular question, does not exist on the present occasion, and it is for that reason that I have given the instance which I have just presented to your Lordships. I shall now proceed to give to my noble Friend such information as I can, and shall take the questions in the order in which he put them. The first question the noble Earl put was, whether I am prepared to lay upon the table of the House the details of the Estimates which have been lately voted by the House of Commons for the transport of the troops from this country to Turkey. My noble Friend said, with great justice, that the sum was a formidably large one, and that it required explanation. Now, as a matter of account, the Members of the Government will undoubtedly be bound to give a full and entire account of the manner in which any money is disbursed which is voted by the House of Commons for the furtherance of this war; and as a matter of account, I can assure the noble Earl that no difficulty will be thrown in the way at the proper time for this information being given. But my noble Friend seems to forget, when he asks for an account of those sums, that this money has not been already expended, that the transports for this service have not already been paid for, that the whole proceeding is now in course of progress, and that the greatest possible practical inconvenience might arise from giving details which would enable those with whom the Government are in negotiation to deal more advantageously for themselves, but less advantageously to the public, than they can do at the present moment. A great part of the sum is only a matter of estimate; and with regard to those parts that could be considered more in the light of accounts, so great was the haste with which the Government had to take up a number of those ships, that it was impossible in some instances to come to an actual arrangement with the parties as to the sum that should be paid to them; and they, to meet the wishes of the Government that no time should be lost, consented, if any difficulty should arise, that the matter should be settled by arbitration. That is one case; as to another case, three-fourths of the amount have been paid, and one-fourth of the amount has been held back on account of some dispute that has arisen, and which is not yet decided. Therefore it is impossible to give my noble Friend such details as he requires, or attempt to give him any greater details than have already satisfied the House of Commons. I think my noble Friend will see that, being, as we are at this moment, in the market to deal with the persons possessing these vessels for the transport of troops, we should be neglecting the interest of the public service if we gave the details for which my noble Friend calls. I readily admit that the sum asked for is a formidably large one; but if he contrasts the expense with a former period, he should state it as the expense for conveying, not 27,000 troops, but 30,000 troops, as the truth is. My noble Friend contrasts the cost of conveying 27,000 troops to Turkey with the cost of conveying 27,000 ladies and gentlemen to India —and says that the cost for the conveyance of troops is greater than in the other case. But I think his argument entirely fails. The noble Earl must bear in mind that these ladies and gentlemen who go to India round the Cape do not carry with them many thousand tons of ammunition and other articles which are required in the transport of troops. Again, another most important consideration is, that the vessels which convey ordinary passengers to India return to this country laden with return freight; but these transports, engaged for the conveyance of the troops to the East, in the great majority of instances have not been taken up by the voyage (in which case the expense to the Government would have been materially reduced), but they have been taken up for a period of twelve months; and the Estimates had to be based on the supposition that the vessels would be required for the whole of that time. Thus, my noble Friend will see that the comparison he has made falls at once to the ground, under the circumstances to which I have referred. The noble Earl said that he was led to form a bad opinion of the mode in which these affairs have been conducted, and of the lavish expenditure incurred upon them, by facts that he had personally witnessed, with reference to the detention of two vessels—the *Lord Palmerston* and the *Tonning*—which he had seen at Woolwich; and he said that he was afraid the cavalry transports stood in the same category, having been taken up for many weeks, and yet only putting to sea at this moment. Now this is certainly the fact; but the Government will not have to pay for the delay—because the detention of these transports was not owing to the fault of the Government or the cavalry officers and troops, but rested with the contractors who provided the vessels. Although, undoubtedly, the ships had been taken up many weeks ago, the contracts had not been fulfilled; and this arises, I admit, from many circumstances which involve scarcely any blame on the part of the contractors. They have had many difficulties to contend with—such as the strike among the carpenters and other artisans by whom the vessels were to be fitted up, and the desertion of the sailors for the purpose either of enlisting on board the fleet, or of seeking employment in the merchant service—perhaps in ships bound to Australia, attracted by the higher wages offered to them. All these circumstances mitigated any culpability that might attach to the contractors; but I must repeat, that it has been the fault of those engaged to supply the ships, and not of the Government, that these horse transports have not sailed from this country many weeks ago. With regard to the *Lord Palmerston* sailing transport, to which my noble Friend adverted, that vessel took out the first detachment of artillery. It was detained from causes which it is not necessary to mention, and by the direction of the Government, for two or three days, but not longer; and that is the only instance of a sailing transport engaged to convey cavalry or artillery being detained one hour in their departure by the orders of the Government, or by any *laches* on the part of the military authorities. As regarded the other vessel mentioned by my noble Friend, the *Tonning* steamer, it took out a portion of the staff and part of a body of troops, who were conveyed to Turkey in three steam-ships. The receipt of the convention with Turkey in reference to the landing of English troops in Turkey was expected whilst this portion were under orders to sail, and they were detained a week or nine days waiting for its arrival after the vessel was ready to sail, so that as regards them, I think, some demurrage will have to be paid. But as respects the remainder of the vessels, the delay was occasioned in consequence of the inability of the contractors to prepare them for sea, and not from any fault on the part of the Government or the military authorities, or of the officers and men of the regiments that were ordered away.

With reference to the second question of my noble Friend, as to the currency in which the troops in Turkey are to be paid—he is no doubt aware that there is a standing rule of the Commissariat Department; on occasion of any expedition of this sort, a general order is issued fixing the standard of the army pay, which, of course, is regulated by the intrinsic value of English coin, and its proportion to the coin of the country to which the troops are about to be embarked. With reference to the particular currency, he is no doubt aware that for a very long period the currency of the eastern shores of the Mediterranean has been almost entirely carried on in the *colonnado*, or pillar dollar. The diminution of this currency has of late years been very great, and even four or five years ago it was to a great extent disappearing, and the ordinary sovereign of this country to a considerable degree has taken its place in many parts of the Levant, and of course more especially so in those most frequented by British subjects. The entire supercession of the *colonnado* by the English sovereign has been accelerated, I believe, by the enormous drain of the former coin to China. Under these circumstances, it was felt to be desirable that the basis of the currency in which the troops should be paid should be the English sovereign, and, therefore, an arrangement has been at once made for sending a supply of that coin from this country. I believe that 225,000 English sovereigns have been sent to the Commissariat Department accordingly, and 5,000*l.* of English silver—the latter more as an experiment, in the direction which my noble Friend has suggested, than from any practical necessity at the present moment. This is meant as a temporary arrangement until the effect of the experiment has been ascertained; and inasmuch as the troops cannot be regularly paid in English sovereigns, it will be absolutely necessary that they should be paid in the current coin of the country where they were stationed. I am aware that my noble Friend has previously made the suggestions on this subject which he has thrown out this evening to my right hon. Friend the Chancellor of the Exchequer; and, on the part of Her Majesty's Government, I have to thank him for so doing. I think there is a great deal that is very valuable in his suggestions, and therefore we have transmitted a copy of them to the Commissariat in Turkey, accompanied with a desire that they should report how far it would be possible to carry them out, and whether any difficulty attaches to the plan originally devised for paying all the accounts in English sovereigns and in the coin current in the country, fixed in its proportion to the value of the sovereign.

The last question put by my noble Friend was with respect to that point which I have already touched at the commencement of my observations, namely, the means of moving our troops. My Lords, I can assure my noble Friend—admitting to the full extent all that he has said, based on the great experience and information he has obtained by his attention to these subjects—that this matter has not been neglected, nor was it overlooked at the commencement of this expedition. Orders were sent out long before any troops embarked from this country to the Commissariat officers, who were early despatched to Turkey, instructing them to make inquiries in all directions as to the means of obtaining animals for carriage, and authorising them to make provisional contracts for purposes of transport. We, as long ago as the month of March—I forget now the exact day—had a report from one of the Commissariat officers, who stated that he had been more successful in this respect than he had at first anticipated; and every subsequent report received in this country leads us to expect that, although the means of transport in Turkey are not so good as might be obtained in other countries, there will be sufficient in point of quantity, and that there certainly will not be the difficulty originally apprehended. With the single exception of a very small transport corps organised in this country, the whole of the remainder will for the present be conducted by Turkish subjects, assisted by the Turkish Government; and only this morning a letter was received from a Commissariat officer, dated the 29th April last, in which appear these words:—"The Turkish Government acts with good faith and loyalty towards us in matters relating to transport and supplies." All the other accounts agree in entertaining a hope that the supply of transport will be sufficient, and every means are taken to provide the troops with baggage horses, which are abundant, and baggage mules, which are much less abundant and more expensive, and also with baggage waggons. On the other hand, as I have already explained to my noble Friend, we are also provided with transports for the conveyance of troops by sea. We have at our disposal permanently in those seas transports for an amount of force equal to at least 30,000 men, without encroaching on the resources possessed by our ships of war for carrying out effectually any operations which they may undertake. I hope, therefore, that my noble Friend will feel satisfied that all these important matters have not been neglected. As regards other points, I am not able to give him now the estimates for which he asks; but I can assure him that we shall have no hesitation, at the proper time, and consistently with the interests of the public service, to satisfy Parliament and the country as to the mode in which we have expended the money that has been so liberally voted by the House of Commons.

I have thus far been answering questions that have been asked. Before sitting down, I will just mention—although no question has been asked with respect to it—that I have had an intimation from noble

Lords that in some quarters there is an apprehension that the state of the health of the troops at Gallipoli is such as to cause considerable anxiety. I am happy to state that it is in my power to give the most positive contradiction to any such statements. The number of British troops at Gallipoli is 5,300 men; and out of this force, by a letter I have received, dated the 25th of April, I find that there were only twelve men sick; and by another letter, dated the 30th of April, and received this morning, there were only twenty men sick. Such a small proportion of invalids in a force of 5,300 men is hardly to be found in the records of any army in the field, or even in the records of this country itself. I have thought it necessary to make this statement to your Lordships, in order to correct misapprehension.

THE EARL OF ELLENBOROUGH said, as the noble Duke had alluded to the health of the troops, he wished to say a word respecting the comfort of the wounded. He saw that the Government had devoted attention to providing waggons for a travelling hospital. He had no doubt that in passing over good macadamised roads these waggons would cause the least possible aggravation of the sufferings of the wounded; but as the troops would have to go up rocks and rugged hill country, it would be impossible that these waggons could follow them. Unless coolies were employed for the assistance of the wounded, they might depend upon it that men who had been injured would be left to die on the field of battle, and many others would have their sufferings increased.

THE DUKE OF NEWCASTLE said, he should be sorry if there were any misapprehension on this subject. Great pains had been taken in organising an ambulance establishment on the most approved system, and this was the first time that such a provision had been made for an English army. It was quite possible that in many parts of Turkey these waggons would not be available for the conveyance of the wounded; but at the same time it had been thought desirable to send them out, in order that they might be useful where the roads were fit for them. This part of the arrangements would not interfere with the employment of any other means of conveyance where waggons should be found impracticable; and certainly whatever fault might be found with their other measures, the medical and hospital departments had been most effectually provided. The staff of surgeons and the supply of medical appliances of every kind had been on the largest scale—larger than in any former war—and no pains, care, or cost would be spared to secure the fullest and most effectual provision for our wounded or sick soldiers.

THE WAR WITH RUSSIA—QUESTION—BOMBARDMENT OF ODESSA.

THE EARL OF MALMESBURY said, he wished to ask the noble Duke whether Her Majesty's Government had received from the Admiral in the Black Sea any official account of the bombardment of Odessa; and, if so, what steps they would take for conveying the details of the operations to the public? He also desired to ask, with regard to the proceedings of the war generally, what course the Government intended to take in regard to the early communication to the public of the successive events as the information should reach the Government itself. The public anxiety as to such matters would be still greater in this war than in former wars, for now, while by means of the telegraphic despatch almost instantaneous communication would be made to this country of the occurrence of an action in any given place, no details could be expected through the same medium as to the numbers, and still less as to the names of the killed and wounded, details which, in former wars, accompanied the notification of the action itself. The anxiety of the public, or, at all events, of that portion of the public who had relatives and friends engaged in the war, would be in the highest degree increased by the intimation of an action having been fought, unaccompanied by a statement of the casualties occasioned; and it was, therefore, most expedient that, without waiting for the ordinary *Gazette*, the fullest information that Government should from time to time receive should forthwith be published, if necessary, in an extraordinary *Gazette*.

THE DUKE OF NEWCASTLE: Despatches have been received this day from Admiral Dundas, narrating the bombardment of Odessa, the first announcement of which was made in this House a few days ago by my noble Friend the Secretary of State for Foreign Affairs. Your Lordships are already in possession, through the newspapers, of all the details which are given in the despatches of Admiral Dundas, and I believe I should be wasting your Lordships' time if I were to read the circumstances narrated in those despatches. At the same time, I think I ought to mention to your Lordships that this despatch and its inclosures give a most positive and satisfactory denial to the statements which have been put forth relative to this affair in behalf of the Russian Government. From the despatch and its inclosures it clearly appears that our flag of truce was most undoubtedly fired upon by the batteries of Odessa; and when the account of that outrage and violation of the law of nations was conveyed to Admiral Dundas, Admiral Dundas was not satisfied in a case of that kind, with the reports of the captain and crew, however conclusive these reports might be to his own mind, but he took information from another person who was present on the Mole of Odessa when the gun was shotted and fired by the Russians. This fact is stated in the despatch; and on the receipt of this information, Admiral Dundas wrote to General Osten-Sacken, the General Commandant of Odessa, informing him that his excuse was found to be destitute of foundation, and, as a reparation for the insult offered to the flag of truce, he demanded the surrender of all the English, French, and Russian ships in that port, allowing a certain time for the Russian General to return either an assent or a refusal to the summons. No answer having been received, the Admirals took the course, the circumstances and consequences of which have been correctly related in the newspapers. I am happy to add to that statement, that the loss on the part of the English fleet was only one man killed and ten wounded, most of them slightly. As to the second question of the noble Earl, I have to state that the Government will publish the despatches through the *Gazette* to-morrow, and that will be the means in future of acquainting the public from time to time of the events of the war, as the Government receives its intelligence. I can also assure the noble Earl, that in all cases of important events, the Government, having a full appreciation of the interest and anxiety of the public, will not wait for the usual day for publishing the *Gazette*, but a supplemental *Gazette* will in such cases be instantly issued.

THE EARL OF MALMESBURY said, that he understood the noble Duke to state that the accounts in the newspapers of this event were correct. Now it appeared from the newspapers that the chief cause of the attack on Odessa was the violation of the flag of truce. If that were so, he thought no punishment too strong to avenge such an act of barbarism. But would the Admiral have been entirely justified in attacking Odessa from the moment war was declared; or were they to infer that the orders to the Admiral were such, that if this outrage had not been offered to the flag of truce, he would not have been justified in attacking Odessa and the shipping there as he did? The general impression was, that the Admiral made this outrage the prime reason for bombarding the port; and it was desirable that that point should be cleared up.

THE DUKE OF NEWCASTLE: I think the noble Earl is trespassing somewhat beyond the well-recognised rule in such cases, in calling upon me to explain what were the instructions given to the Admiral with regard to these transactions. The noble Earl must see that the instructions given to the Admiral will not bear merely upon this particular operation, but upon any others that may yet take place; and I must therefore decline to disclose what those instructions are. I can, however, assure the noble Earl and this House, that it is the strong feeling and desire of the Government that in the conduct of this war private and neutral property should be, as far as possible, respected, and that as little destruction should be caused to that property as is consistent with the effective carrying on of the operations.

THE EARL OF DESART said, there could be no second opinion as to the great credit the operations at Odessa reflected on all the officers concerned.

EPISCOPAL AND CAPITULAR ESTATES MANAGEMENT, 1854, BILL.

Order of the Day for the Second Reading read.

Moved, That the Bill be now read 2^a.

THE BISHOP OF OXFORD said, there was one provision in this measure savouring of the principle of the Bill, to which he had an objection. In the Bill which this was intended to be a continuance of, it was provided, that if a reversion of tithes, or land in lieu of tithes, were to be sold, as a previous condition of such sale, the Ecclesiastical Commissioners should be required to take the present spiritual wants of the district into consideration. Now, by the present Bill, this condition, which operated in the nature of a safeguard for the claims of particular localities in regard to spiritual instruction, was altogether omitted; and on that ground he objected to the measure in its present shape. In Committee he should take measures to remedy this great defect.

THE EARL OF POWIS said, that in his opinion the House should have in the first instance full information as to the action of the Church Commission—what they had been about, what the result of their proceedings had been, how they had expended the immense sums that had been placed at their disposal, and whether the calculations on which they had acted in the distribution of ecclesiastical revenues had proved correct. Since 1837 vast quantities of property had been sold under the Act. From 1837 to 1840 episcopal property alone was dealt with, but from 1840 to 1850, under the Ecclesiastical Duties and Revenues Bill, a large amount of augmentation had been given out of capitular property to the poorer benefices. The Commissioners had received power to borrow 600,000*l.* from Queen Anne's Bounty fund, to be consumed in twenty years, in the expectation that by the end of that time the leases would become so much more valuable as to enable them to repay it, interest and capital, as well as to meet their grants to poor livings. From that time to this, however, not a single intelligible statement had been made as to whether their calculations were real or whether they were fallacious. By the account of last year the Commission had expended 9,500*l.* more than their annual income; the sum of 10,000*l.* being originally stated as the utmost limit, which they could not overpass. The episcopal portion of the accounts, which was formerly favourable, was now unfavourable; that was to say, the amount paid to the smaller sees was nearly 10,000*l.* a year more than was received from the larger ones. He found that in conformity with a promise which had been made when he brought the subject forward last Session, there was, in the accounts of the present year, some attempt to make a distinction between revenue and capital; but he complained that in respect of the whole of the transactions from the year 1837 to the year 1853, not only had no information been given, but there was not even the vestige of an attempt to give it. The result was, that the House must be in perfect ignorance whether the Commissioners had made an extravagant amount of annual grants and incurred extravagant annual liabilities, or were acting within that prudent margin of 10,000*l.* a year, which was the professed basis of their operations when Parliament allowed them to borrow that sum of money. Moreover, it was utterly impossible in these accounts to distinguish the income from the capital. If, therefore, the powers of the Church Estates Commission — against which, abstractedly, he had no objection —were to be renewed, he thought that an understanding should be first come to for submitting proper and decent accounts to Parliament in future. He might be told that it was a difficult thing in this case to distinguish revenue from capital. But if that were so, surely it was high time that the difficulty should be grappled with and mastered, and that they should not go on in this hand-to-mouth manner, utterly unable to determine whether their expenditure was justified or not. There was no reason, with which he was acquainted, why these accounts should not be given in such a shape that Parliament might be able at once to see whether the Commissioners had or had not incurred an amount of liabilities which was disproportionate to the means at their disposal. This system of grants and consumption of capital had gone on for seventeen years, and he defied any one to ascertain from the accounts submitted to the House whether, at this moment, Church property was better or worse to the extent of hundreds of thousands of pounds than it was when the account began. Not being aware that the Bill was to come on for second reading to-day, he was unprepared to enter upon details. But having endeavoured to form some idea of the prudence of the transactions in which the Commissioners had been engaged, he could venture to assert that their accounts were utterly defective, that they did not furnish the information which Parliament was entitled to have, and would not enable one to form an opinion as to the accuracy of the principles or calculations upon which their proceedings were conducted; and he trusted that the Government, in continuing the Estates Commission, would give Parliament some security that more specific and intelligible accounts should in future years be laid upon the table.

THE EARL OF CHICHESTER was understood, to say, that for a considerable number of years the Church Estates Commission had incurred no expenditure for grants except such as were obligatory under Acts of Parliament; but that calculations which had been made justified the hope that in a few years the Commissioners would be able to resume the making of grants. He to a great extent agreed with the noble Earl (Earl Powis) that the kind of account to which he referred would be a useful document; but he denied that fuller accounts could be published. The accounts now published were as complete as they could be, though they were not on the plan desired by his noble Friend. That plan, if adopted, might not be so satisfactory to the House as it would be to his noble Friend, and he had rather therefore pause before altering the present system.

On Question, *agreed to;* Bill read 2ª accordingly; and *committed* to a Committee of the whole House.

UNAUTHORISED NEGOTIATIONS BILL.

Lord CAMPBELL, in naming the Select Committee on this Bill, said, that he had not the most distant intention that the Bill should interfere with the enforcement of the private rights of any portion of Her Majesty's subjects. It was intended by the Bill, as originally framed, to prevent such deputations as that to Florence upon the case of the Madiai. His own opinion was, that such a proceeding was not in the exercise of any constitutional right, that it was not, generally speaking, calculated to gain its object, and that with regard to the great Powers of Europe, it might be attended with inconvenient results. After hearing the opinions which had been expressed by noble Lords for whom he had a sincere respect, particularly by the noble Earl opposite (the Earl of Shaftesbury), he would willingly abandon that part of the Bill which applied to such cases, and would consent that the operation of his measure should be confined to such deputations as should seek to attain objects injurious to the British empire, where there should be an intention to thwart the measures of the Government, or to do that which would be productive of inconvenience to the public service. With that restriction he hoped that the Bill would meet the approval of their Lordships.

The Earl of CLANCARTY wished to know if the Bill would apply to such a deputation as had recently proceeded to St. Petersburg from the Quakers of this country.

Lord CAMPBELL said, the Bill, in its restricted form, would not apply to such a deputation as that which had recently proceeded from the Quakers of this country to the Emperor of Russia. Although he considered the tendency of such deputations to be very injurious, he believed the intentions of the particular deputation to which he referred were perfectly harmless, and such deputations would not be prevented for the future. The Bill would only apply to such cases as that of Mr. Smith O'Brien, or that of the deputations which went to France in 1791, where there was an intention to carry out views prejudicial to the interests of this country.

Lord BEAUMONT wished to know what was left in the Bill, now that the noble and learned Lord proposed that it should not apply to persons, who, though their proceedings might be injurious to the country, had no evil intentions. It appeared to him that the Bill with the modifications proposed by the noble and learned Lord, would apply only to the case of persons who were engaged in conspiracies with foreign Powers against this country, and he conceived that persons who entered into such conspiracies could be punished under the existing law. He wished to know, therefore, why their Lordships were asked to sanction such a measure?

Lord CAMPBELL said, that there remained in the Bill provisions which he regarded as very important, and which his noble and learned Friend (Lord Lyndhurst), who was not now present, fully approved. The Bill would include the enactments of the American law, which were admitted on all hands to be highly salutary, and would also make certain proceedings which English subjects might now do abroad with perfect impunity punishable, for the future, as misdemeanors. He thought he had stated the other night, without any risk of being misunderstood, that, by the law of England, cognisance could not be taken of acts committed beyond the territory of England. Acts, however mischievous, which were committed beyond the seas, might be committed with perfect impunity; and one object of this Bill was, to render English subjects amenable to the law of England for acts committed in foreign States, which acts might be detrimental to their own country, although they might not be punishable by the existing law.

The Earl of DONOUGHMORE wished to remind the noble and learned Lord that there were some 5,000,000 of British subjects in Ireland who professed the Roman Catholic faith, and who necessarily must communicate through their bishops, or other persons, with the Pope of Rome.

He hoped the noble and learned Lord would take care that his Bill did not interfere with such communications.

LORD CAMPBELL said, that he believed that the Bill, as it originally stood, would not have interfered with the spiritual intercourse between Roman Catholics and the See of Rome; and he was quite certain that as it was now framed there was not the smallest possibility of its offering any obstacle to that communication.

Committee named.

SPIRITUAL DESTITUTION OF THE LABOURING CLASSES.

Order of the Day read.

THE EARL OF WINCHILSEA moved to resolve—

> "That the Religious Wants of the great body of the Labouring Classes employed in our Manufacturing Districts (from the extensive Deficiency of Church Accommodation, of resident Clergy to administer to their Spiritual Necessities, and of Schools to afford them a sound Scriptural Education) demand the earliest Attention of Parliament,"—

He would not detain their Lordships by entering into details at any length. The necessity which existed for making provision for the religious wants of the people, and the establishment of schools for their sound scriptural education, was so generally admitted, that he might almost content himself with laying the Resolution affirming it upon their Lordships' table, without adding a single observation of his own to enforce or recommend it; for if any man, either in or out of that House, holding the position of a legislator, admitted their existence and denied his responsibility to lend a helping hand for their removal, any arguments which he could advance would be quite useless, for he was convinced that by such a man even a voice from Heaven denouncing such a dereliction of duty to our country and to God would pass unheeded and disregarded. It was a notorious fact that the people of England anxiously desired an extension of religious knowledge; and he felt it to be an imperative duty on the part of the Legislature of this Christian country no longer to delay looking into the subject of the spiritual wants of the great body of the people. The repeal of the Test and Corporation Acts, he begged to remind their Lordships, was effected by members of the Protestant Church, and they ought not now to be told they were not to have a particular system of religious education, because the whole of the nation did not entertain their peculiar doctrines. They had a scriptural Church connected with the State of the country, and during the thirty years that he had had the honour of sitting in that House, he had frequently endeavoured to draw the attention of their Lordships to this great and important subject; for he held it to be among the first of their duties to give to the people of this country every necessary means of religious instruction, alike as regarded Church accommodation, a resident clergy to administer to their spiritual wants, and schools to afford them a sound scriptural education. He knew it was said to be impossible, in the present state of society, for the Government to establish schools confined to the teaching of the peculiar doctrines of the Established Church; but, for his part, he was of opinion that schools might be established where at least the teaching of the Holy Bible should be one of the fundamental rules; and he was convinced that the great body of Protestant Dissenters, especially the Wesleyans, would readily come forward and give their support to such a scheme as that. On a recent occasion this great Christian country was engaged in a solemn act of public humiliation and prayer, and, although they could only judge from outward appearance of the feelings which influenced the human heart, the manner in which that day was observed, not only in the metropolis, but through the length and breadth of the land, must have afforded deep gratification to every Christian well-wisher of the country. It appeared by the last Census returns that during the first half of the present century upwards of 10,000,000 had been added to our population; and within the last ten years no less than 2,700,000. It appeared, also, that there were upwards of 2,000,000 of people who, if disposed to attend places of worship, would be altogether without church accommodation, and it was, therefore, necessary that increased means of spiritual instruction should be provided. But he was not one of those who considered that the mere building of churches was the first step towards the religious instruction of the people. He believed that the establishment of sound scriptural schools and a resident missionary clergy would prove the most efficient means of reaching the mass of those who, through the neglect of their duty by the Legislature, had been allowed to grow up around us in a state of perfect infidelity and absolute heathenism; and that, then, if new churches were built, they would be crowded by earnest and devout worshippers. Let their Lordships reflect for a moment upon the present circumstances of the country, and the national judgments which had visited the land. Let them reflect upon the late awful famine, which had carried off so many hundreds and thousands of their countrymen; that fearful pestilence which even now continued to hover on our shores; and the great war upon which we had just entered, and the result of which no man living could foresee, or tell how it might affect the greatness and the prosperity of the empire. They could not contemplate these national judgments without, as Christian and responsible beings, asking themselves if, as a nation, we had given any cause for such a visitation, and yet fail to perceive and honestly to declare that we had shamefully neglected the first duty of the country. He charged it on no particular Government—he charged it on the Legislature. They had all been guilty of neglecting their duty towards God, and if on the day of national humiliation and prayer, which had lately been observed throughout the land in such a manner as must have excited heartfelt gratification in the breast of every well-wisher of his country, they had closely examined the sins of the nation, he believed that they must have confessed that the most prominent of those sins had been the great neglect of which they had been guilty in failing to meet the spiritual wants of the poorer classes, over whom, in the providence of God, they had been placed. He could not believe that the noble Earl at the head of Her Majesty's Government would refuse his sanction to the Resolution he had now to propose. He knew well the pressure of the war, and how much the time of the Government was occupied in taking measures to mitigate the evils which it necessarily brought upon the country. He did not, therefore, ask their Lordships to agree to any specific measure upon the subject, but simply to acknowledge the existence of this pressing evil, and to declare that when the proper opportunity arrived, they would take it into their consideration, and endeavour to apply a remedy. The noble Earl concluded by moving the Resolution.

THE EARL OF ABERDEEN: My Lords, I should be very sorry to appear to say anything at variance with the spirit of the Resolution which the noble Earl has proposed; to much that he has said I willingly assent, for it is difficult to exaggerate the amount of spiritual destitution which prevails in some parts of the country, particularly in the manufacturing towns. My Lords, I know the zeal and sincerity of the noble Earl in his endeavour to meet those evils, and, agreeing as I do with many of the sentiments he has expressed, I willingly assent to the Motion he has made. But I would submit to the noble Earl that, when he moves this Resolution, it must be surely with some particular view; it cannot be that a mere barren declaration could satisfy any object, but it must be with a view that Parliament should act in consonance with the Resolution. My Lords, I cannot say that I think it is at all probable that Parliament would be induced to meet the deficiency of the church accommodation of which he has complained by grants made for that purpose; at least I should be very unwilling to propose to Parliament any such grant. Agreeing with him, as I do, in the great amount of spiritual destitution and the extent of the want of church accommodation, I still think we have great reason to congratulate ourselves upon the efforts which have been made of late years to supply that want. I think that during the latter part of the first half of this century individuals have done so much to provide means for extending church accommodation as to show much more may yet be done without coming to the Government for assistance for such a purpose. I will for a few moments call your Lordships' attention to what has been done since the commencement of the present century in order to show you the rapid progress which, through great energy and activity on the part of members of the Church of England, has been made in supplying the means for remedying the evil complained of by the noble Earl. In the commencement of this century, from the year 1801 to the year 1811, the number of churches built in England and Wales was 55; in the next ten years that number had increased by 97; between 1821 and 1831, the number built was 276; between 1831 and 1841, that number increased to 667; and during the ten years preceding the last Census, the number of churches built in England and Wales amounted to 1,197. Now, we find that the greatest increase—that which took place within the last twenty years—has been effected without Government aid, and solely by the energy, and piety, and zeal of members of the Church; and even the building of this large number of churches does not represent the whole of the good effected, for church accommodation was increased to a far greater extent by the restoration, enlargement, and improvement of the churches which took place during the same period—the list I have read being only a record of the churches built. Now, the fact of these churches being built by private exertions—the private and local exertions of individuals—contrasts strongly with what was done at the time Government aid was afforded towards the building of churches on the proposition of my noble Friend on the cross-bench (the Earl of Shaftesbury). The churches built by the Commissioners under those circumstances were, generally speaking, most improvidently built. They were built at a most irrational expense, and the funds were most injudiciously appropriated for the purpose. During the first thirty years of the century, 500 churches were built, at a cost of 3,000,000*l.* sterling, 1,152,000*l.* being provided out of the public funds and the remainder from private benefactions. During the following twenty years there were no public grants for any fresh undertakings, and yet, within that period, 5,500,000*l.* was spent, and 2,029 churches were built; so that, during the few years since the cessation of public grants, the efficiency of the remedy for the evil complained of by the noble Earl has increased immeasurably, and I must say that a spirit does exist at this moment, with the view of supplying the wants of the labouring classes in respect to religious instruction to a degree that never, in my memory, has existed before. That spirit is still on the increase, and I have no doubt that by the private exertions which will be made we shall meet the evil which exists far more effectually than by Government grants. I quite agree with the noble Earl that this is a great and necessary duty, but noble efforts have been made by individuals in the cause; and in proof of them let me mention to your Lordships the exertions made by the most rev. Prelate who presides over the clerical affairs of the metropolis, who has built more than 200 churches during his ministry, and also to the metropolitan, the success of whose exertions has been not much less. The noble Earl has stated that he thought the building of churches should not be the first object; but I believe that a church has never yet been built without speedily drawing within its walls a congregation, and, therefore, I think the first and most advantageous act in the way of supplying the deficiency complained of is the building of churches. In addition to the want of church accommodation the noble Earl has also appealed to the State in behalf of a sound scriptural education. What the noble Earl means by a sound scriptural education is, I suppose, an education in accordance with the doctrines of the Church of England. I agree with him in desiring to see a sound system of education introduced; but before we can hope to see such an education as this, we must come to some agreement with those who have claims also upon the State and the Government for the relief of their wants. We can no longer with truth say that the religion of the Church of England is the religion of the people. I do not mean to assert that it may not enjoy a numerical majority; but, notwithstanding, the amount of dissent and the number of the various sects and denominations is such as to entitle them to very great consideration. Those persons are good citizens and loyal subjects, and I say it is the duty of the State to care for their education equally with that of the members of the Church of England. My Lords, the difficulty of establishing any united system of education is so great that I begin to fear it must be considered as insuperable. But, my Lords, although the system adopted may not have worked so satisfactorily as could have been wished, I must remind your Lordships that the State has not altogether neglected measures for the education of all classes and all denominations. Just look at the progress made under this head since the revised system of grants voted by Parliament and distributed by the Committee of Privy Council. I do not know, but I am afraid this is not the most satisfactory mode of dealing with this subject; but, under the circumstances, I believe it to be the only practicable one, and I trust that the manner in which the Privy Council have discharged their duty to the country has given general satisfaction. This system of Parliamentary grants for the purpose of education commenced in the year 1839, when the sum of 50,000*l.* was voted for the purpose. I will not weary your Lordships by going through the whole of the years, and the gradual augmentation of the grants, but in the last year, 1853, those grants amounted to 260,000*l.*

I do not say that that is a large sum for such a purpose; on the contrary, if no better system can be devised, I am disposed to think it wise to extend and greatly increase, for such a purpose, that sum, large as it is. But I hope we shall shortly have a better system. There is a Bill before the other House of Parliament for the purpose of establishing a general system of united education in Scotland. Whether that will succeed or not I am unable to say; but it was introduced at least under very favourable auspices, and I must say if it does not succeed I shall be inclined to despair altogether of ever seeing, either in that country or this, a system of united education. We therefore, must do the best we can to supply the wants which have been described, by such a mode as I have pointed out; and I do think that a judicious increase and the judicious application of grants by the Committee of Privy Council offers practically the best mode of meeting the educational wants of the classes to which my noble Friend has alluded. Having said that, I cannot see the advantage of laying on the table a Resolution like that moved by the noble Earl, without any practical result expected or intended to be derived from it. I think there is nothing to be gained by such a proceeding; and it is quite unusual, in a Parliamentary sense, to lay on the table a declaration of that sort from which no particular measure is to ensue. Having said that I sympathise entirely with the feelings of the noble Earl on this subject, I should be very sorry, indeed, to meet such a Resolution with a direct negative; but, under the circumstances, I hope your Lordships will permit me to move the previous question.

EARL NELSON: My Lords, I quite agree in many of the remarks which have fallen from the noble Earl at the head of the Government; and as a friend to the Church of England I would be one of the first to protest against asking aid from the State. We have done a great deal, both in the building of churches and the erecting of church schools, but, notwithstanding all that has been done, we must remember that there is a great want which we have not yet met, and that cannot be met by the means which have hitherto been employed. It is a patent fact that in all our great towns in many of the manufacturing districts there are masses of the population who are virtually not only excluded from the Church, but are untouched either by the Church or by dissent, and who are nearly in a state of heathenism. Although I do not ask Government for any aid towards reclaiming these people, I think a great deal might be done by the appointment of a Commission to inquire into the best mode of meeting the difficulty. Many of the working men in the country consider that it is the duty of the Church to move in this matter. Now there does not appear to be any apathy on the part of individuals to move in the matter. Many solitary efforts have been made from time to time for remedying this admitted grievance, but they have all fallen short of the exigency of the case; and I believe that what is really wanted is some means of acting together to meet the awful deficiency of religious instruction among us. I hope that a Commission will be appointed by the Government, or else that the most rev. Metropolitan will call together some of his right reverend brethren, some of the most influential of the laity, and some of the parochial clergy, to discuss the best mode of supplying the melancholy want of spiritual provision and church accommodation disclosed by the Census returns. I believe that the most effectual method of combating the irreligion which prevails amongst the masses would be to send out a missionary staff of the clergy. We shall never succeed unless we are prepared to treat the people as if they were in a state of heathenism. I believe that the working men of this country are favourably inclined towards the Church of England; and I can state one curious fact in corroboration of that impression. Some time ago, when I was conversing with a very clever working man, I asked him what religious body had the greatest power over his fellow-workmen. He replied, that some years ago he should have said the Wesleyans; but, since they had had a split amongst them, he believed that the Church of England stood next on the list; but that, if we wished well to the Church of England, we ought to do all in our power to procure more clergymen, for it was clear to all that she was more deficient in clergymen in proportion to her people than any other religious body. I therefore am of opinion that the first thing to be done is to employ large bodies of clergy for real missionary work. We should require funds to support them, and more extended means for educating them than the Universities now present. In this respect the Roman Catholics in Ireland teach us a useful lesson; for the way in which they provide for their priesthood is by selecting the cleverest boy in the village school and sending him to college for instruction for the ministry. Next to the employment of a large missionary staff of clergy would be the establishment of an organised body of the laity, voluntarily working under the clergy in their respective districts. I cannot refrain from mentioning the case of a friend of mine, the incumbent of Yarmouth, who proceeds on this principle. He divided his large parish into eight districts; these districts are placed under bodies of the laity, and visited by them; they all meet at the beginning of the week, and give a report of their proceedings to the minister, and a regular missionary work is carried on, and with most wonderful success. Next to voluntary organisation of the laity comes increased church accommodation. I do not say always increase the number of churches, because I think when we have to act against such a mass of irreligion as that by which we are surrounded, we ought in the first place to make better use of the churches already in existence. I believe much might be done in our cathedral towns by periodical preachings in the cathedrals, if a sufficient staff of clergy could be provided, and if periodical services could be performed in the naves of those cathedrals, I am sure the people would flock to them. But what is the case at present with respect to the churches in our towns? Most of them are used merely for morning, afternoon, and evening service. In many of the churches services might take place at hours more suitable to the working man than the hours at present fixed. This system is acted upon in the Roman Catholic places of worship. In some of the churches abroad the service of the Church of England is performed at one hour, some other Protestant service at another hour, and at another comes the Roman Catholic service. I have mentioned the points which appear to me to be the most important. I believe there are means by which the Church of England might provide a remedy for the evils complained of, and I am anxiously expecting the Report of the Cathedral Commissioners; and when we have seen what they propose and what the Ecclesiastical Commissioners can do, I have no doubt that a part of any fund that may be required can be raised by voluntary contribution. For the want of some practical plan we go on talking year after year and doing nothing; but I believe that by issuing a Commission, or by the adoption of the suggestion which I have thrown out to the Metropolitan, we should be able to devise some efficient remedy for the evils by which we are surrounded.

THE BISHOP OF OXFORD said, he hoped that the noble Earl who proposed the Resolution would acquiesce in the suggestion made by the noble Earl at the head of the Government, to dispose of it by the previous question, not because he differed from the noble Earl in the estimate of the great lack of spiritual provision for the people, nor because he differed from him in his estimate of the great importance to us, as a nation, of providing for the religious wants of the people; but because he was convinced that such a Resolution did really point the minds of men in the wrong direction for that relief which was required. He was convinced that in the present state of the population of the country the Church of England could not with propriety or advantage ask for grants from the public funds for the strengthening, encouragement, and development of religious education. Although he lamented the fact of a large portion of the population having separated from the Church, there was still, thank God, the great majority of the population professing the religion of the Church of England. Even in the Census returns lately given the majority was of this kind—that whereas on the particular Sunday named there attended the Churches of England 2,300,000, the largest attendance of the next largest religious denomination—and that a promiscuous one—was only 515,000. Now, although he said that those Census returns were singularly inaccurate in this respect, it was sufficient to show that the members of the Church of England were greatly in the majority. Indeed, he should be thankful if he were allowed to test the accuracy of those returns, not by the general results in the office of the Registrar General, but by the details of those returns sent from the several districts from which the general returns were tabulated. He had himself found many singular inaccuracies in respect to those parts of the country with which he was more particularly acquainted. But even making every allowance for those inaccuracies, he thanked God that the Church of England was the Church of the overwhelming majority of the people of this country. This fact, however, he did not think would justify her in appealing to Parliament for the means of extending her power by grants of money, and he should deprecate, even if the Government were disposed to assent to such a proposal, the reception of such grants. What the Church of England wanted was increased liberty to adapt themselves to the present necessities of the people. He believed that they could only ask for a continuance of that liberty which they enjoyed by showing that they were deserving of it. He believed that they could only get increased grants by a diminution of their present liberty, and that the result of such aids would be to stir up that inimical feeling towards the Church which was now happily slumbering, and that they would check that flow of voluntary help which had ever been liberally exercised in that Church, and to which the noble Earl called attention by the aid of such a striking array of figures. When they had expended 3,000,000*l.* by the aid of the Government upon building churches they could only raise 1,900,000*l.* of that sum by voluntary assistance. They, however, were enabled to raise 5,000,000*l.* within a very much shorter period, when they had only their own voluntary efforts to depend upon. Although he thought that the Resolution of the noble Earl was influenced by the best intentions, yet its adoption by the House would be calculated to lessen the labours of the clergy, and to diminish their influence in the land. He should be sorry to see the expectations of those who desired to promote the greater efficiency of the Church disappointed, but he hoped that they would turn their attention to those internal exertions which he thought would suffice, with God's blessing, to overcome the difficulty, rather than resort to what he believed was a dangerous and palsying source of revenue, namely, a public grant from the public money of this land.

THE BISHOP OF ST. DAVIDS said, he thought that the adoption of the Resolution would place the important question they were considering upon a totally false and delusive foundation. The noble Earl who proposed this Resolution had, with his usual earnestness, adverted to several calamities and afflictive visitations which had recently befallen this country. The noble Earl had ventured to do that from which he (the right rev. Prelate) would shrink — namely, to assign a cause for those calamities, one which was necessarily hidden from the human mind, and buried in the depths of the Divine councils. Now, he would only observe that, in these remarks the noble Earl had fallen into an enormous anachronism, extending to an interval of about 300 years. The noble Earl attributed those calamities to the neglect of the Government which had failed to provide, by grants out of the public Treasury, the means of supplying a remedy for the spiritual destitution under which the people were labouring. The noble Earl had confounded a present effect with a remote cause. If there had been any guilt in this matter, it certainly was not chargeable on any Government in our day, but had its origin in those religious dissensions which broke out about 300 years ago, and had continued down to this day. These dissensions were the palpable cause which precluded the nation and the Government from meeting the evil which they all deplored. He thought, therefore, that when the noble Earl treated the evils which had come upon us as a punishment for a national sin, he should have recollected that this sin was committed three centuries ago, and that it was not in our power at once to remedy the evil. If there was the slightest prospect that the Resolution, if passed, would have the effect of healing those religious dissensions, and of restoring us to that unity of feeling which was broken 300 years ago, then he would most cheerfully consent to it. But inasmuch as we were labouring under evils arising from causes so remote, he thought that the language which had fallen from the noble Earl was much to be deplored, as it could only have the effect of diverting the attention of the country and of Parliament from the remedies by which the evils complained of could be mitigated or removed.

THE EARL OF CLANCARTY: My Lords, having listened with attention to this discussion, I wish, with your Lordships' permission, to say a few words before it closes. The noble Earl at the head of Her Majesty's Government, in objecting to the Resolution of my noble Friend, adverted to the fact, certainly a very gratifying one, that of late years a large and increasing number of churches had been built by the munificence of individuals, and that the yearly increase of church accommodation had been greater from that source than formerly, when the State gave aid to the building of churches; but both the noble Earl and the right rev. Prelate, who spoke last but one, appear to me to attach far too much importance to these church buildings, as a means of supplying the spiritual wants of the country. Church accommodation is, no doubt, very important and much needed; but much more important is that religious training of the population which induces them to resort to places of worship. I therefore deeply regret the manner in which the noble Earl noticed that part of the Resolution and of my noble Friend's speech which referred to the want of adequate provision for the scriptural education of the poor. The noble Earl could not distinguish scriptural from sectarian instruction, and, therefore, could promise nothing. He did not consider that the Established religion was the religion of the masses of the people; perhaps it was not; but the people of England, whether members of the Established Church or Dissenters, were a people professing Christianity, and should, therefore, not be left in that state of heathen ignorance which had been this evening admitted and lamented on both sides of the House. After the manner in which the Government has for so many years disregarded the petitions that have been presented from Ireland for the sanction, aid, and encouragement of scriptural education for the poor of that country, I ought, perhaps, not to be surprised that the noble Earl should receive so unfavourably the representation made by my noble Friend in behalf of the neglected masses of the manufacturing population of England. The noble Earl has so repeatedly affirmed that the godless system of education under the Irish National Board was the greatest blessing ever conferred upon Ireland, that he is only acting in consistency with that opinion in withholding from, or rather in not extending to, the working classes, whose ignorant condition he admits, the means of Scriptural instruction which my noble Friend calls upon the State to provide. But I would warn the noble Earl that such spiritual destitution, such heathen ignorance as has been described as existing among a large section of the population, not only reflects disgrace upon a Protestant Government, but is fraught with danger to the stability of the State. Does any noble Lord think that the restraints of mere temporal power, mildly, as I rejoice to say, that power is exercised in this free country, are alone sufficient for maintaining the harmony and order of society, and for enforcing respect for legitimate authority and obedience to the laws, those laws especially which guard and regulate the rights of property, without the aid and sanction of the Divine law, without the conviction upon the mind of the population, that those laws are founded upon the law of God? Let it be considered for a moment, what would be the condition of this country upon the possible visitation of a famine, or of the vast population of the manufacturing districts being thrown out of employment, and wrought upon by want to combine in insurrection against the constituted authorities of the land. What reason is there to suppose that, with such a population, unrestrained by the precepts of the Divine law, England would not witness scenes of bloodshed and outrage similar to those which ushered in the French Revolution of 1793, when Paris was in the hands of an infidel mob? Christianity was then disowned, and men affected to worship the goddess of Reason. The events of that period should be regarded by every Christian Government as a warning against the possible consequences of neglecting the religious interests of the people. Be assured that, to uphold the fabric of society, especially in a free country, the restraints of religion are not less essential than those of the municipal law. Hence, I conceive it is that we have in this country the union of Church and State. The one sanctions and supports the other. The Church claims the sanction and support of the State, as the witness and exponent of the truth in this country; and as the State, on the other hand, claims the sanction of the Divine law for the enforcement of its ordinances, it is its duty to support the Church in its mission of disseminating the knowledge of the Word of God throughout the length and breadth of the land. The Church is not to be dealt with as an establishment for the rich, or for only a section of the people. If, as the noble Earl remarks, the religion of the Church of England is no longer the religion of the people of England, why is it but because the Church has been wanting in ministerial efficiency, because the causes of the spiritual destitution complained of are precisely those which are set forth in the Resolution? If the Church possesses within itself the means of expansion, it is the duty of the Government to turn those means to account. If its resources are insufficient, then the State should provide whatever may be necessary for extending its ministrations, and teaching to all who are willing to accept of them, but especially to those masses of the manufacturing population whose spiritual destitution has been admitted and deplored. As regards the Motion before the House, I hope my noble Friend will withdraw it, for the adoption of his Resolution could not be attended with any practical benefit. The discussion of it I hoped might have drawn the serious attention of the Government to the existence of a very serious evil, which requires an effectual remedy; but I regret to find that the noble Earl, while he admits the evil, does not hold out any prospect of steps being taken for its removal.

The Earl of **WINCHILSEA**, in reply, said, that no individual, however great his talents, was perfectly competent to undertake a measure of this extent and importance; but he held it to be the duty of the Government of a Christian country like this to make proper provision for the religious wants of the people. He did not ask the Government to provide a system of education that would be purely of an exclusive character, but all he desired was, a sound religious and scriptural education, based upon the reading of the Bible, without note or comment. With respect to the observations which had fallen from a right rev. Prelate (the Bishop of St. Davids) with regard to great national calamities, he might say that, though individual sins might go unpunished in this world, national sins never would. He had long felt that it was the duty of the Legislature of a Christian country like this to come forward and contribute some portion of the enormous wealth with which the Almighty had blessed it, in the relief of the religious wants of the poorer classes of its population. No country in the world was so rich and mighty; we were the greatest and most powerful nation that had ever existed, with more moral influence than had ever been possessed by any other people; and he felt most deeply that we should be made awfully responsible for the proper use of the talents and blessings placed in our hands. Having relieved himself from any personal responsibility in the matter, he would withdraw the Resolution in compliance with the wish of their Lordships; but, at the same time, he begged most firmly to record his opinion, that, if the present state of things was to continue and increase in this country, the day would speedily arrive when the condition of the manufacturing population—under no restraint of religion, and with the passions of their fallen nature the only rule and guide of their conduct—would bring down a just retribution and punishment upon the high and mighty of the land.

Motion, by leave of the House, *withdrawn.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, May 11, 1854.

Minutes.] New Member Sworn. — For Flint County, Hon. Thomas Edward Mostyn Lloyd Mostyn.

Public Bills.—1° Customs Duties.

2° Gaming-Houses; Manning the Navy; Navy Pay, &c.

DISTRIBUTION OF PARLIAMENTARY PAPERS—QUESTION.

Sir **BENJAMIN HALL** said, he wished to ask the hon. Under Secretary for the Home Department a question with respect to a circumstance which, though not involving a breach of privilege, was fraught with material inconvenience to hon. Members. He believed that there were two modes in which the House and the public might have printed papers laid before them. The one was when papers were printed by order of the House, and then the expense of their publication and their distribution fell under the cognisance of Mr. Speaker. The other was when papers were printed by Her Majesty's command; they were then printed by the Stationery Office, and their printing was wholly out of the control of Mr. Speaker. If the papers were printed by the authority of that House, they were distributed by its officers; but if not, a number of copies were sent down to the library from the Stationery Office, and then distributed to Members. Other parties might, however, obtain such papers before the Members of that House. On the 11th of April a Report from the General Board of Health was presented, and was ordered by Her Majesty to be laid before both Houses. Some days ago that Report appeared in the columns of a morning newspaper; but hon. Members did not receive their copies until some time afterwards. He wished to know how many copies of the Report of the Board of Health were printed; whether the printer delivered out any copies previous to those sent for the use of Members of that House; if so, how many, and by whose authority did that delivery take place?

Mr. **FITZROY** said, that early in the year the general authority for printing the usual number of copies of the Report of the General Board of Health for official and parliamentary distribution was sent from the Home Office to the Stationery Office, and on the 10th April two printed copies were sent to the Home Office. One of these was laid on the table of that House, and the other upon the table of the House of Lords. But, between the time of issuing the order for printing the Reports and the time of their distribution, the Board of Health applied to the Home Office for 4,000 copies of the Report. The consent of the Home Secretary having been given, 4,000 copies were sent to the Board of Health, which they distributed themselves. He imagined that one of them had reached the paper, in whose columns the hon. Baronet had read it. He (Mr. Fitzroy) was not responsible for any irregularity that might have taken place in publishing documents intended for the use of Members of both Houses before they had been delivered to them. He could only be responsible for the manner in which the order for publication was given, and that was in the usual form on this occasion. He was not able to answer any questions with reference to the manner in which the Board of Health had distributed the copies sent to them.

SIR BENJAMIN HALL said, he wished to know whether the printing of these 4,000 copies formed part of the expenditure of the Board of Health?

MR. FITZROY said, that he apprehended that it would be included in the general charge for printing Parliamentary Papers. He believed that the expense of the printing in connection with the Board of Health amounted to 20,000*l.* per annum.

MR. STONOR'S CASE.

MR. SOTHERON then moved that Mr. G. H. Moore, the Member for Mayo, and one other Member of the House, to be named by the General Committee of Elections, be appointed on the Select Committee in the case of Henry Stonor to examine witnesses, but without the power of voting. When the Committee appointed to investigate this matter met, they found themselves involved in great difficulty with respect to the manner in which they should prosecute the inquiry, because none of the Members of the Committee had any knowledge of the circumstances of the case. The hon. Member for Mayo laid a statement of his case before the Committee, but declined to suggest to them the names of the witnesses to be called, because he considered that by the votes of the House he had no *locus standi* to act upon or with the Committee. The Committee upon this came to the resolution that it was very desirable that the hon. Member for Mayo should be appointed to serve with them, in order to conduct the case against the parties whose conduct was impugned; and also that another hon. Member, in the confidence of the accused, should be placed on the Committee, in order to watch the proceedings on their behalf. The appointment of such a person they proposed to leave to the General Committee of Elections, in whose selection there could be no doubt that the House would feel every confidence. The course which he now recommended was strictly in accordance with the precedent of the Carlow Election Committee in 1847, when Sir Frederick Pollock and Mr. Serjeant Wilde were appointed by the House to watch the proceedings on behalf of the parties.

MR. FRENCH said, he thought it would be highly advisable, before the House agreed to the Motion, that they should know who was to be the other Member. Whoever were appointed, both parties ought to be as nearly as possible equal in ability to discharge the duty required of them. He confessed he was surprised that the hon. Member for Mayo, who had moved the appointment of the Committee, had not been made a Member of it: he thought a slight thereby had been cast on the hon. Member.

SIR GEORGE GREY said, he must deny that the General Committee of Elections, of which he was Chairman, intended to cast any slight upon the hon. Member for Mayo by not nominating him as one of the Members of the Committee. They had done so because they understood that, on referring the nomination to them, the House desired them to select five impartial Members to compose the Committee. If they were now directed to appoint another Member in addition to the hon. Member for Mayo (Mr. Moore), merely to examine witnesses, but without the power of voting, they would of course act upon quite a different principle, and would conceive they best discharged their duty by asking the hon. Under Secretary for the Colonies to name that Member.

MR. FREDERICK PEEL said, that he had no objection to offer to that part of the Motion which related to the appointment of the hon. Member for Mayo. With regard to the other part of the Motion, it was the opinion of the Duke of Newcastle that it was quite unnecessary. The noble Duke would himself be able to state what had occurred with regard to the appointment of Mr. Stonor, and he (Mr. Peel) thought that a tribunal consisting of five impartial Gentlemen, Members of that House, would be quite competent to arrive at a correct conclusion without any other person being nominated to the Committee. The noble Duke was, therefore, perfectly willing that the question should be left to their decision.

Mr. MILES said, that the statement of the hon. Gentleman was highly honourable both to himself and the Duke of Newcastle; but still he thought that, in order to assist the Select Committee to arrive at the truth, each side should nominate a Member to conduct their case.

Mr. HUME said, he thought the House should beware lest, by appointing Members in the mode suggested, they should throw a doubt on the capacity of the Members of the Select Committee to conduct an inquiry such as the present. After the statement of the hon. Gentleman the Under Secretary for the Colonies, which was highly honourable both to himself and the Duke of Newcastle, he considered it would be highly improper to place any nominee Members at all upon the Committee.

Mr. BRIGHT said, that it was perfectly impossible that five men who were entirely ignorant of the facts of a case should arrive at the truth without the assistance of some one who was acquainted with the matter, and was in a position to bring forward evidence and cross-examine the witnesses. He was glad to hear what had fallen from the hon. Under Secretary for the Colonies, who had, he thought, taken the proper course; but still he was of opinion that in order to have a fair inquiry into this matter, it was necessary that the hon. Member for Mayo (Mr. Moore), who could bring forward evidence, should be on the Committee.

Mr. DISRAELI said that the House should not consider merely the feelings of the person who brought the accusation and of the persons who were accused. What would be the result of having only one nominee, the hon. Member for Mayo (Mr. Moore)? He, being perfect master of his case, would be sure to manage it effectively; and as there was no person to represent the Government, the Committee, who were in a judicial position, and who ought to decide on the facts that were laid before them, would be obliged to fight the battle of the Government in answer to the accuser, who was a member of their own body. Such a result was not at all desirable. It was due to the five Gentlemen who had to perform so difficult and delicate a task, that they should not be placed in this unsatisfactory position. He did not think that they should sanction a sentimental feeling in matters of this kind. Let the accusation that was made in this case be met in the usual manner, and let all means be taken to secure a fair decision, by giving to both sides equal advantages, as far as that could be done. It would, he was sure, be most satisfactory both to the House and the Committee if nominee members were appointed on both sides.

Mr. BOUVERIE said, that Mr. Stonor himself seemed to have been quite forgotten in the course of this conversation. As his character was involved here, he thought some hon. Member ought to be appointed to act upon the Committee on his behalf.

Mr. DEEDES said, as a Member of the Select Committee, he could assure the hon. Gentleman that the Committee had hitherto most carefully determined to abstain from doing anything that should in any way implicate Mr. Stonor in the inquiry. The Committee considered that they had nothing whatever to do with that gentleman's conduct, but that they were appointed to inquire into, and report upon, an entirely different matter. Mr. Stonor's friends need not, therefore, entertain the slightest fear that anything unjust would be done in regard to Mr. Stonor. The hon. Member for Manchester (Mr. Bright) had admitted that there should be on the Select Committee a Member whose duty it was to conduct the inquiry, but, then, in that case, there must also be an hon. Member appointed by the other side, because it was perfectly impossible for any judicial Member of the Committee to cross-examine the witnesses with the strictness that was desirable, without exposing himself to the imputation of being a partisan of the accused party. To avoid that he hoped that the House would appoint another Member in addition to the hon. Member for Mayo (Mr. Moore). And while he perfectly recognised the feelings which actuated the hon. Under Secretary for the Colonies, he could not help expressing a hope that he would reconsider his determination, and, by appointing a Member to represent the Government, relieve the Committee from the difficulty in which they would otherwise be placed.

The CHANCELLOR of the EXCHEQUER said, that from the discussion which had taken place, it seemed evident that the House was unanimously of opinion that the hon. Member for Mayo (Mr. Moore) should be on the Committee, though without the power of voting; and also that the general sentiment of the House was favourable to the appointment of a nominee Member on the part of Government. His hon. Friend (Mr. Peel) had said that, so far as the feelings of the Duke of Newcastle were concerned, it would be more agreeable to him not to be represented upon the Committee by any person, or to be put before the Committee in the position of a partisan. He (the Chancellor of the Exchequer), however, wished to state on the part of his hon. Friend that he did not desire to insist upon this in opposition to the wish of the House; and if it was the general opinion that a nominee should be appointed on the part of the Duke of Newcastle, he (the Chancellor of the Exchequer) would not offer any opposition to this step, although it would certainly be more agreeable to his Grace if a different course were pursued.

Motion *agreed to.*

Ordered—"That Mr. Moore, and one other Member of the House to be named by the General Committee of Elections, be appointed to serve on the Select Committee on the case of Henry Stonor, to examine witnesses, but without the power of voting."

FAMILIES OF SOLDIERS AND SAILORS—QUESTION.

Colonel HARCOURT said, he begged to ask the right hon. President of the Poor Law Board whether there was anything in the law as it now stood, or in the orders of the Poor Law Commissioners, to prevent the guardians of the poor from giving, if they thought fit, out-door relief to the destitute wife and child of any soldier, sailor, or marine in Her Majesty's service?

Mr. BAINES begged to say, that there was nothing in the law or in the orders of the Commissioners, as they now stood, to prevent any board of guardians from giving out-door relief to the destitute wife or children of any soldier or sailor on service. He would add that, in the opinion of the Poor Law Commissioners, the same principle was applicable to the destitute wife or children of militiamen.

Colonel HARCOURT said, he would now beg to ask the right hon. Secretary at War whether, six women per company being the number who with their families are by the regulation of the Army permitted to embark with their husbands on foreign service, the Government will object to grant to those of that number who have been prevented from going out on the present occasion by the exigencies of the service, the same allowance of half rations for the women, and quarter rations for the children, which they would have had if they had gone out?

Mr. SIDNEY HERBERT said, he had to state that there was no instance in which any application had been made to continue the issue of half rations to wives of soldiers who had been prevented under these circumstances from going on foreign service. He was of opinion that the best course would be to leave it to the discretion of the commanding officers to say whether it would be for the advantage of the women in question that they should receive half rations, supposing the application to be made.

Mr. FLOYER said, he wished to inquire whether the claim to out-door relief would be held good in the case of wives without children, as well as of those who had children?

Mr. BAINES said the principle applied in both cases.

EXCHEQUER BONDS—QUESTION.

Mr. T. BARING said, he begged to ask the right hon. Chancellor of the Exchequer whether he would state the amount subscribed for the Exchequer bonds described as Bond A, payable at par on the 8th May, 1858, up to two o'clock on the 8th instant, distinguishing the amount of subscription payable in money and that payable in Exchequer bills; and whether the deposit of 10 per cent was paid before two o'clock on the 8th instant on the whole amount subscribed, and, if not, what was the extent of the deficiency? Also, whether any subscriptions have been accepted for the Bond B, ending on 8th May, 1859, and for the Bond C, ending on 8th May, 1860; and, if so, to what extent for each description? He would explain in a few words the object of his question. The House was aware that the Government, in inviting subscriptions for the late proposed issue of Exchequer bonds, offered to subscribers the option between two modes of payment—one in Exchequer bills, the other in money. It was, therefore, very desirable, with a view to determining the financial position of the country, to know to what extent the deposit had been paid up, and likewise what amount had been paid in Exchequer bills and what amount in money. It had likewise been published that the subscription would be received up to two o'clock on Monday, the 8th instant. As the Resolution of the House only ratified what had been subscribed up to that time, it was to be presumed, of course, that nothing further had been issued; but perhaps the right hon. Gentleman would afford them some information on the subject.

THE CHANCELLOR OF THE EXCHEQUER said, he thought that the object of the hon. Gentleman was a perfectly reasonable one, and that he would best promote it, not by endeavouring to answer the question now, but by presenting a return which would give the information in a more exact form than it would now be in his power to supply. It would state what amount was subscribed on Monday, the 8th May, what amount was subsequently subscribed, and what amount had been paid. When he had the honour of addressing the House on Monday night, he was not in possession of accurate information on this point, and he had spoken not quite exactly, having with him a memorandum which had just been put into his hands, and which had been hastily drawn up. The hon. Gentleman would thus see what had taken place with respect to all the points embraced in his question, except as regarded the payment of deposits by a particular hour. He believed that the usual practice was to take the deposit, not to the last hour for receiving tenders, but to the last hour of banking business; and likewise that deposits for small sums were taken on Tuesday morning from parties who had given notice. He thought the hon. Gentleman had not quite correctly stated the effect of the vote of Monday night. He apprehended that the vote of Monday night went to sanction the whole amount of the bonds paid; but that there was a distinct understanding between the hon. Gentleman and himself, that he was not to make any new contract beyond the amount actually agreed upon.

MR. T. BARING: The right hon. Gentleman cannot state generally, then, what the result of the measure is?

THE CHANCELLOR OF THE EXCHEQUER could state that, if it were of interest to the House to be made acquainted with it. He could not state precisely the amount paid in Exchequer bills; but 1,600,000*l.* was the amount tendered for and paid up to the 8th May, and the remaining 400,000*l.* had been tendered for since. But he would take care that no contract of any kind should be entered into until the sense of Parliament had been ascertained.

CONVEYANCE OF TROOPS—THE ANDES STEAMER—QUESTION.

MR. FRENCH said, that he had given notice of his intention to put a question to the First Lord of the Admiralty with respect to the conveyance of the 1st Royals from Plymouth, in the *Andes* steamer, to the East. The matter was one with respect to which he thought it advisable that no misrepresentation should be allowed to have currency, and he had therefore deemed it right to put the question at once. The statement which had appeared in the public papers with respect to the removal of the regiment in question was as follows:—In the month of April last the *Andes*, a steamer not of very considerable size—1,200 tons burden—had been chartered for the conveyance of 500 men to the East; that the number of the regiment upon its arrival at Plymouth had been found to be 800; that there were only 500 berths in the vessel, and that in consequence a telegraphic message had been sent up to the Admiralty to know what course was to be taken under the circumstances of the case. Orders were issued thence, it was stated, to the effect that as much accommodation as possible should be provided for the troops, but that the whole number must embark; that the troops had embarked, and that, in consequence of the orders to which he had referred, 800 men, or something above that number, had been sent out of Plymouth without a moment's delay, and commanded to proceed at once to their destination. It was further stated, that, in consequence of no efficient examination of the vessel having been made before her departure, and the bulkhead not having been covered with iron, that portion of the vessel had taken fire, that a very considerable quantity of gunpowder had been placed on board without the usual precaution of a magazine being established, and that but for the determined gallantry of the privates of the

Royals, every person in the vessel would have been blown to pieces. A great quantity of gunpowder, it was also mentioned, had been thrown overboard, and the vessel had arrived in a very damaged condition in Malta. It was added that the naval officer there had reported her as being in that condition, and that, notwithstanding that report, she had been ordered to sail with the troops on board her to the East. Such were the statements which had appeared in the public papers, and he had thought it but fair to submit them to the notice of the right hon. Gentleman the First Lord of the Admiralty at as early an opportunity as possible.

Sir JAMES GRAHAM said, that, in consequence of the notice which the hon. Member had given him, he had made inquiry that morning with respect to the subject of his question. In reply to that question he had to state that no complaint whatsoever of an official character had reached the Admiralty, nor, as far as he had ascertained, the Horse Guards, with respect to the matter to which it related. It was perfectly true that the *Andes* had not been originally engaged to convey so large a number of troops to the East as she had actually taken out. He should, however, inform the House, whose authority it was upon which that number had been enlarged. Sir Harry Smith, the general commanding at Devonport, had been consulted with reference to the increase, and he had given it as his opinion that the vessel in question was perfectly qualified to convey the additional number of men. The commander of the regiment himself had also concurred in that opinion, and that being the case the Admiralty had come to the conclusion that they might safely act upon the information they had received from those gentlemen. Thus much he had to state with respect to the numbers. It had also been deemed advisable that some powder should be conveyed in the *Andes*. It had been so conveyed, and most unfortunately, owing to the long working of the engine and the stormy weather, a fire had taken place on board. The danger of course had been considerable. The conduct of the commander, the officers, and the men had been, as might be expected, most exemplary; no real misfortune had occurred; the vessel had arrived in safety at Malta, and had been forwarded, without loss of time, with the troops to the East. He might also be permitted to take that opportunity to state that the conduct of Admiral Stewart, at Malta, had been such as to entitle him to the utmost gratitude. His efforts had been most energetic and most successful.

HIGHWAYS (DISTRICT SURVEYORS) BILL.

Order for Second Reading read.

Mr. FREWEN, in moving the second reading of this Bill, said it was very similar to one which he had introduced in 1849, which had been read a second time without a division, but which had not been proceeded with in consequence of the prorogation of Parliament. By the existing Highways Act, the 5 & 6 *Will.* IV. c. 50, parishes were empowered to unite themselves into districts to which surveyors might be appointed; but very few parishes had taken advantage of that Act. A measure of this nature was loudly called for, for in the county he had the honour to represent, the roads in many parts were very indifferent. He proposed that district surveyors should be appointed, in any district in which the roads were in a bad condition, by the magistrates, with the consent of the commissioner of taxes for the district. The salaries of the surveyors would be limited to 13*s.* 4*d.* per mile of road, which would give an average of 60*l.* a year for each district, towards which each parish would contribute about 4*l.* The Act would only remain in force until next Session, and if it worked well it might be continued from year to year. He was convinced that the plan he proposed would effect a saving in many districts of as much as 50 per cent, and he therefore hoped the Government would allow the Bill to be read a second time, in order that it might then be referred to a Select Committee.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. MILES said, he must oppose the Bill, as he considered it of a very oligarchical character. The hon. Gentleman did not propose to adopt the Welsh or Irish systems, but to form an extraordinary kind of board, consisting of the magistrates and the land tax commissioner of a district, whose powers it would be very difficult to define, but who were to appoint the surveyor, and to determine the amount of his salary, without even asking the opinion of the majority of the ratepayers. He should move that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

Mr. FITZROY said, he quite agreed in the opinion of the hon. Member who had spoken last with regard to the Bill. The subject of the general management of highways was a very large one, and they were all aware of the necessity of dealing with it by some general measure; but the attempts at legislation which had hitherto been made had not been very successful, and very few Members of the House were capable of undertaking such a task as that of amending the present highway rates. Every year, as a greater number of turnpike trusts became extinct, there was a greater necessity for legislation, and he hoped that the hon. Member for Petersfield (Sir W. Jolliffe), who had turned his attention to the subject and had prepared a measure upon it, would bring that measure before the House. He thought the machinery of the Bill was exceedingly cumbrous and quite novel in principle, and that it would render the expenses of the surveyors much greater than they were under the present system. He, therefore, could not support the Bill, even if he approved its principle, and he considered it so objectionable in its present shape that, if it were not withdrawn, he should vote for the Amendment.

Sir WILLIAM JOLLIFFE said, he was of opinion that if the Bill was adopted it would give anything but satisfaction to those persons generally who were now charged with the highway expenditure throughout the country, amounting to about 2,000,000*l.* annually. The most objectionable part of the measure was, that in carrying it into operation the ratepayers were in no way whatever represented. He had devoted some time and consideration to this subject; and when he was in office he prepared a Bill in reference to it, but he thought that Bill was rather the property of the department to which he then belonged than his own. He felt that a measure of this kind could not be carried through the House unless with the full concurrence of the Government of the day.

Sir JOHN TROLLOPE said, that the subject was very complex and difficult in its character; and he feared that it would be impossible to work the Bill of his hon. Friend in its present shape. The question, however, was as important as it was difficult, and he thought that the Government should themselves undertake to introduce a Bill upon the subject.

Mr. VERNON SMITH said, he had been surprised to hear his hon. Friend the Member for Lewes (Mr. Fitzroy) express a hope that some private Member of the House would undertake to prepare a Bill upon that subject; for, in his own opinion, that was a duty which peculiarly belonged to the hon. Gentleman himself in his capacity of Under Secretary for the Home Department. He believed it was extremely desirable that some measure should be adopted for the purpose of making the appointment of district surveyors compulsory, and for the purpose of ensuring an effective audit of the highway funds. He did not know a greater grievance in many of our rural districts than the wretched state of their highways. In the county of Northampton many of the roads were hardly passable during a great portion of the winter. He was afraid, however, that the present Bill was too complicated in its machinery to effect what was desired.

Mr. RICE said, although he did not approve of this Bill, he thought his hon. Friend (Mr. Frewen) had done good service in bringing the subject before the House, inasmuch as it had elicited from every preceding speaker an admission of the abuses incident to the existing system, and of the necessity for legislation; and he trusted, between the hon. Baronet the Member for Petersfield (Sir W. Jolliffe) and the hon. Gentleman the Under Secretary for the Home Department, the country would eventually obtain a good Bill for the regulation of highways.

Mr. MASTERS SMITH said, that he had received representations from every part of his county with regard to the necessity of some such measure as that before the House, and for that reason he had placed his name on the back of the present Bill. He should not wish to press it, however, if the Government would give some assurance that the matter should be considered and undertaken by them.

Sir GEORGE STRICKLAND said, he hoped the Government would not be so incautious as to give any assurance that they would undertake to deal with this question. They had a sample of such an attempt a few years ago, when Mr. Cornewall Lewis, with great ability and perseverance, sought to deal with it, but totally failed. If the Government attempted the same thing again, he was sure they would equally fail. The hon. Member for East Sussex (Mr. Frewen) need not have told the House that the roads in the county he represented were bad; they were notoriously bad; but that was no reason why the whole country was to be saddled with an offensive Bill like this. So far from being a popular Act, he believed it would be most offensive to the country at large.

SIR GEORGE GREY said, he could bear testimony to the perseverance and zeal with which his hon. Friend who had just sat down had resisted every attempt to improve the Highways Act. He thought, however, that it would be most desirable if they could pass a good Highways Bill, believing that great economy would in the end be the result, although every attempt had hitherto failed, from what he must call a "mistaken" apprehension of the expense that would be thrown upon parishes by such an amendment of the law. He thought that the appointment of district surveyors would be a great and essential improvement, and he only regretted that the machinery of the present Bill was not such that he could support it.

MR. HENLEY said, he concurred in what had been said generally in reference to this Bill. They would be all glad to get a good Highways Bill, but unfortunately they could not agree as to what constituted a good Highways Bill. Unless a Bill on this subject could be introduced which had the general assent of those practically conversant with the management of highways throughout the country, he did not think it would work well. He believed the Bill before the House would be generally unpalatable, and he hoped his hon. Friend would not put the House to the trouble of dividing upon it.

SIR JOHN TYRELL said, a few years ago, acting on the suggestion of Sir James Macadam, he was instrumental in introducing a Bill for the management of the highways in that part of the county of Essex with which he was connected, which had the honour of meeting the approval of Mr. Speaker; and he thought that any general measure on this subject, which contained the elements of that Bill, would have some claim upon the attention of the House.

MR. FREWEN said, that, in consequence of the opposition he had met with, he would not put the House to the trouble of a division, but would withdraw his Bill.

Question put, and *negatived;* Words *added.*

Main Question, as amended, put, and *agreed to.*

Bill *put off* for six months.

OXFORD UNIVERSITY BILL.

Order for Committee read; House in Committee.

Clause 11.

MR. AYSHFORD WISE said, he proposed to leave out the words, "Michaelmas Term, 1854," and to insert instead thereof the words, "Hilary Term, 1855." He proposed this change, because hon. Members, on referring to the 18th clause, would find that the Vice-Chancellor had to make up the register on the 10th of September. Now, this it was impossible for him to do during the vacation, when a large number of those of whom the Congregation was to be constituted would be absent from the colleges. He had, therefore, proposed that the election should take place on the 12th of December; then, the register could be made on the 1st of December.

MR. LOWE said, that this subject had been well considered by the right hon. Chancellor of the Exchequer, who was of opinion that, as the clause now stood, there would be plenty of time to make the register. It was very undesirable to defer this matter longer than necessary; and, unless stronger reasons than those advanced could be shown for the alteration of the clause, he trusted the Committee would not agree to the Amendment.

MR. BLACKETT, in supporting the Amendment, said, that if the elections were fixed for the first day of Michaelmas term, it would cause great inconvenience, by compelling members to return to their colleges at a very unusual time, and if the election practically took place on that day, it would be spoken of as having been slurred over, and give rise to much ill-feeling, which it was desirable should be avoided. Under these circumstances, he confidently appealed to the Chancellor of the Exchequer for an alteration of the clause.

THE CHANCELLOR OF THE EXCHEQUER said, that the first day of term had been inserted in the Bill under the impression that it would probably be more agreeable to the existing authorities of the

University, whose powers were to be transferred in the October term, that such powers should virtually and practically cease before the vacation rather than that they should continue to hold them for a few days during the ensuing term, and then transfer them. The Government had addressed a letter to the Vice Chancellor, and requested him to be so good as to consult the Hebdomadal Board on the subject, stating that the Government would be glad to name any portion of the term agreeable to them, provided that the first day of term was objected to. A very courteous answer was received, stating that the Hebdomadal Board was sensible of the attention paid to it by Government, but begged to decline naming any day on which the power of the Hebdomadal Council should commence. From this he gathered that the Hebdomadal Board entertained no desire to part with its authority on the first day of term, and he would, therefore, propose that the clause should be altered, and that the election should take place on the fourteenth day of term, at which time there would be a full attendance of the members of the University.

Mr. HENLEY said, that it would be necessary for the Committee to go back, as they would find that, by a previous clause, the powers of the Hebdomadal Board were to cease on the first day of Michaelmas term. The question they had now to consider was, what would be the most convenient time for the election to take place, and he would suggest that it should do so either at the end of Michaelmas or the commencement of Hilary term.

Mr. WIGRAM said, he thought that some difficulty might arise from the election being made upon one day by all three sections; some of the members of the council might be elected by more than one section. He proposed to provide against the difficulty by adding the words "on or before," there would then be no necessity for all the elections taking place upon the same day.

The CHANCELLOR of the EXCHEQUER said, he had no objection to offer to the proposal, but could not consent to extend the period for the election beyond the 15th of October, as he thought it most important that a term should not be lost, as it would practically be, if the old Hebdomadal Board remained in office without the power to carry out the new regulations.

Amendment *withdrawn;* Clause, as amended by the extension of time proposed by the Chancellor of the Exchequer, *agreed to.*

Clauses 12 to 15 *agreed to.*

Clause 16 (The Vice Chancellor, before the 10th of September next, to make and promulgate a register of the persons qualified to be members of Congregation).

Mr. AYSHFORD WISE moved the substitution of the 14th of October for the 10th of September.

The CHANCELLOR of the EXCHEQUER said, he had no objection to name the 24th of September as the day before which the register should be prepared and published.

Mr. HENLEY said, the clause threw a very onerous and difficult duty upon the Vice Chancellor, and he hoped the matter would be reconsidered by the Government.

The CHANCELLOR of the EXCHEQUER said, he thought the Vice Chancellor would have no difficulty in performing this duty, which he would, no doubt, discharge in a manner perfectly satisfactory. If the Bill had retained the clause that non-resident persons should be qualified to be members of Congregation in respect of their having held certain offices for a length of time, the task imposed upon the Vice Chancellor would have involved a great deal of trouble; but as the matter now stood it was plain, presuming Congregation to remain as it was, that the register might be prepared without any difficulty.

Mr. J. G. PHILLIMORE said, he saw in the Bill no remedy for any person who might complain of being omitted from the list of the Vice Chancellor.

The CHANCELLOR of the EXCHEQUER, in reply, said, that the Commissioners would have power to amend the proceedings of the Vice Chancellor. He must say that he thought they were becoming too minute in their discussions upon the Bill. It was perfectly well known in the University who were residents, and he hardly thought it possible the Vice Chancellor could omit from his list the name of any person who ought to be included.

Mr. HENLEY said, he was one of those who thought it was not advisable to make too minute regulations in that House; but they must recollect that they had taken upon themselves to interfere, and it was their duty to put their Bill in a shape that would work. According to his interpretation of the Bill as it stood, he did not think the Commissioners would consider themselves entitled to entertain an appeal by any gentleman who might complain of his omission from the list of the Vice Chancellor. He believed, in fact, that there was no appeal provided for in the Bill.

MR. WIGRAM said, he doubted very much whether there was any necessity for giving an appeal, because the register, though a great convenience to the University, would not be conclusive at all as to the rights of parties. When they came to the 18th clause, it would be necessary to define the persons entitled to vote very correctly.

MR. HENLEY said, he would like to have the opinion of the hon. and learned Solicitor General upon the question raised by the last speaker, whether the register would or would not exclude parties from being members of Congregation. If the hon. Member for the University of Cambridge was correct in his interpretation of the Bill, the proposed register would be all but useless.

THE SOLICITOR GENERAL said, that, unless some alteration was introduced into the 18th clause, any person who came within the meaning of that section would be entitled to vote as a member of Congregation, even though his name might not be included in the list of the Vice Chancellor.

Clause *agreed to.*

Clause 17 (The Hebdomadal Council to regulate its own proceedings).

MR. WALPOLE said, he wished to ask the right hon. Gentleman the Chancellor of the Exchequer what he meant by the words "without prejudice to the rights of Convocation in the making of Statutes?" As the Bill was drawn, Convocation did not seem to have any power to make Statutes; it could only accept them or reject them.

THE CHANCELLOR OF THE EXCHEQUER said, Convocation must be an assenting party to any Statutes which might be made for the University. The object of the clause was simply to prevent the Hebdomadal Council from arrogating to itself, under the authority of the Act, any power which, by the present constitution of the University, ought to belong to that which was really the supreme legislative body.

MR. NEWDEGATE said, the question now raised was the rights of Convocation. If he understood the Chancellor of the Exchequer right, this new body, Convocation, although it was not to elect the Hebdomadal Board, was to have every proposal of that Board sent through it to Convocation. Moreover, it was to have the power of debating, of amending, or, if it chose, of rejecting all such proposals; so that, in reality, nothing emanating from the Hebdomadal Council could by any possibility reach Convocation without the consent of Congregation. That was a power to which he most decidedly objected, because it was completely contrary to the constitution of the University as it had hitherto existed. The Bill, in fact, created an oligarchy composed of residents, which was to interrupt the legitimate action of Convocation in legislating for the University as it had always done. As, therefore, the powers of Convocation were nullified by this Bill, he thought the proposal of the hon. Member for North Lancashire was consistent with sound sense.

MR. HEYWOOD said, the idea of Congregation was perfectly in unison with the ancient practice of the University. The practice in ancient times, when the roads were impassable and access by non-residents was extremely difficult, was, for the resident masters to legislate for the University. If, therefore, Congregation under this Bill was to be an effective working body, it seemed to him undesirable to enable a large body of country clergymen with the present facilities of travelling, to come up and paralyse the powers of Congregation. He begged to move that the words "and Convocation" be omitted at the commencement and close of the clause.

THE SOLICITOR GENERAL said, he was quite sure the hon. Member had not rightly apprehended the meaning of the clause. The authorities to make Statutes in the University consisted of Congregation and Convocation conjointly; and the hon. Member had made the error in taking the words "rights of Congregation and Convocation" as if they meant the separate or respective rights, whereas they meant the joint rights of Convocation and Congregation. In other words, it intended to express that the Hebdomadal Council should have power to make regulations for its own proceedings with the concurrence of the Statute-making part of the University. The rights of Convocation and Congregation conjointly required that they should concur in making Statutes. If the Amendment were adopted, it would give a power subject to the right of Congregation in voting Statutes, whereas Congregation had not the exclusive right; it would consequently render the clause unmeaning.

Mr. HEYWOOD said, he wished to have Convocation limited to its political powers, namely, the right of sending Members to this House, and electing a Chancellor and High Steward as representatives in the House of Lords. He thought it would be very much for the benefit of the University that Convocation should be deprived of the right of making Statutes.

Mr. J. G. PHILLIMORE said, he did not concur in the scorn with which the hon. Member for North Lancashire (Mr. Heywood) treated Convocation. Though he was not inclined to favour their prejudices, it was impossible any one acquainted with the literature of the country could speak disrespectfully of country clergymen, and he believed they had more knowledge of the world than resident tutors who had just taken their degree. It would be difficult to select a class more incorrigibly ignorant of the affairs of the world, than the young men who had taken their degree and resided ten years in Oxford, and it was a great advantage to mingle with them those who had had more opportunities of knowing human nature.

Sir WILLIAM HEATHCOTE said, he believed that, practically, the Statutes would be made, as the hon. Member for North Lancashire desired, without the interference of Convocation. In nine cases out of ten Congregation would settle the matter, but it might be desirable that in the tenth case Convocation should come up and apply a corrective to the views of the residents. He thought Convocation and Congregation would work well together under the provisions of the Bill, and he hoped the Committee would not listen to the hon. Member's plan for destroying Convocation altogether.

Sir JOHN PAKINGTON said, he understood the hon. Member for the University of Oxford to say that, generally speaking, they could trust to Congregation, but a great occasion might come which would interest all the world, and then they would want the addition of Convocation. He was afraid that the Convocation could not exercise any power in the tenth case to which the hon. Baronet had alluded, if Congregation made use of the veto given by the present Bill, and thereby annihilated Convocation so far as the particular proposition was concerned.

Sir WILLIAM HEATHCOTE explained that what he meant was, that in nine times out of ten Convocation would be satisfied with what Congregation did, but if on the tenth occasion Convocation were not satisfied, there would be the opportunity of checking Congregation, and on that ground Convocation ought not to be destroyed.

Sir JOHN PAKINGTON understood, then, that on the tenth occasion it might be desirable for Convocation to exercise their power.

Sir WILLIAM HEATHCOTE: They might if they liked.

Sir JOHN PAKINGTON: Precisely so; and his position was, that they could not, whether they liked it or not, if Congregation exercised the veto which this Bill gave them.

Sir WILLIAM HEATHCOTE said, he must remind the right hon. Baronet that the Hebdomadal Board as it now existed would cease, and the Hebdomadal Council would be elected by Congregation, and therefore not likely to come into collision with it. When the Hebdomadal Council proposed a measure, the question would be, whether Convocation should allow it to pass almost formally in Congregation, or should come up and overrule what had been done. The Hebdomadal Council emanating from the Congregation would be identified in feeling with them, and the difficulty arising under the present system would rarely happen under the new one.

Mr. BLACKETT said, he thought the hon. Member for North Lancashire had discovered a blot in the Bill, namely, the extreme inconvenience which sometimes arose from the exercise of their powers by Convocation, not on the tenth or extraordinary occasion, which interested the whole world, but on points which more concerned the resident body, and the body of tutors more than any one. For instance, the Statute introducing the study of modern science and modern literature was carried by three to one in the Tutors' Association, and once, if not twice, thrown out by Convocation. He could confirm the statement of the hon. Member that Congregation was not a new body, though its powers had been assumed by Convocation and legalised by practice.

Mr. ROBERT PHILLIMORE said, he thought it rather singular that the two hon. Members for Newcastle and North Lancashire should have to go to the dark ages to justify the constitution of Congregation. As to the tutors being more competent judges than Convocation there were abundant proofs of their possessing only that half knowledge which was more perilous than ignorance itself, when applied to the affairs of the world. During the time the Tractarian strife was at its height, those who rescued the tutors from the act of folly they were committing, were those despised country clergymen.

Sir JOHN PAKINGTON said, he believed that those hon. Members were right in saying that Congregation was a very old body, and formerly possessed much larger powers than at the present time; but the error they committed was this—that they forgot, what he had several times stated in that House without being contradicted, namely, that the Congregation never was co-existent with the Hebdomadal Board. When the Hebdomadal Board was called into existence Congregation sank into comparative insignificance. There never was in the University what it was now proposed to create, namely, three co-ordinate branches of the Legislature, and this Bill did not propose to restore Congregation. For instance, in those days Congregation had the initiative power with regard to legislation. It was recommended by the Commissioners that the initiative powers should be restored to Congregation conjointly with the Hebdomadal Council, but this Bill did not give that power; neither did it destroy the Hebdomadal Board. On the contrary, it remodelled and reconstituted it under the name of the Hebdomadal Council. Therefore they were not restoring Congregation; they were retaining the Hebdomadal Board, which was called into existence in opposition to Congregation.

The CHANCELLOR of the EXCHEQUER said, that the right hon. Baronet assumed that no one was prepared to contradict him, because he had made statements without contradiction. He begged to enter his protest against being held to agree in the views of the right hon. Baronet, even though they were not contradicted at the time. He thought the right hon. Baronet had gone a good deal beyond the record when he stated that this initiative power formerly belonged to Congregation, and he certainly did not know how the right hon. Baronet founded, or proposed to show, that the functions of the Hebdomadal Board rested formerly with Congregation. But he submitted that at the moment they were not discussing the functions of Congregation. The hon. Member for North Lancashire had raised a question of principle which might be fairly raised under this clause. He wanted to cut off the power of Convocation, and that was the question before the Committee, to which it would be convenient to direct attention. He confessed, though he felt that Convocation was ill constituted to discharge a great many functions important to be discharged, yet he did not wish to see the franchise of Convocation diminished. The right hon. Baronet thought this Bill did virtually diminish those privileges. That was a question which he should be perfectly ready to argue at another opportunity. What he wished now to say was, that he could not consent to sever the link which united many Members of that House, for example, with the working body of the University of Oxford, and he was quite sure the hon. Member for North Lancashire could not induce the Committee to extinguish the rights at present possessed by Convocation.

Mr. PHILIPPS said, as a non-resident member of the University of Oxford, he was happy to hear such high eulogiums passed upon that body, though he thought the less they interfered with the internal regulations of the University the better. He freely admitted that the opinions of Lord Harrowby and Lord Ellesmere, and such men as he saw around him, would be advantageous upon any question; but they must remember the same railway train that carried them down would carry down six times as many other men armed in the triple mail of obstinacy, ignorance, and prejudice upon the immediate point under consideration, who would quite overwhelm their influence. He remembered the excitement with regard to Dr. Hampden, and he believed nine out of ten of the non-residents who attended Convocation never read one word of what Dr. Hampden had written. He remembered similar excitement in order to check the Tractarian party. On one occasion, Mr. Williams, fellow of Trinity, was candidate for the professorship of poetry. The cry of Tractarianism was raised against him, and that proved fatal to his claims, though theological opinions did seem of little importance in the professor of poetry, particularly in Oxford, where the standard of taste was formed upon Horace, and Homer, and Virgil—persons who had never been considered to be very sound Protestants. He did not wish to see the action of the non-resident members done away with; but he thought the internal affairs of the University could be regulated by the resident members much better than by those who only came up once in five or six years, without having anything like continuous association with the University.

Mr. NEWDEGATE said, he was surprised to hear the hon. Member for Haverfordwest (Mr. Philipps) objecting to Convocation because it had opposed the Tractarian movement. He, on the contrary, thought this one of the greatest services ever rendered to the country by any constituency. But if this Bill passed, and a like occasion were to arise, Convocation would not be able to act again in such a manner, as the resident members would have the power of assembling in Congregation and forbidding the meeting of Convocation. Yet this was what the right hon. Chancellor of the Exchequer called "enlarging" the powers of Convocation. He contended that Congregation could prevent Convocation meeting to discuss any particular question, and that the Bill would thereby place a complete bar to the action of Convocation. He was radical enough to respect the opinions of such a constituency as the University. It was the fashion to abuse Convocation—to talk of it as a turbulent mob—a set of ignorant, half-starved curates. If they looked, however, at the composition of Convocation, they would find among its members a great part of the talent of the bar, a great part of the talent and piety of the Church, many members deemed to be worthy of a seat in that House, and a great many who had seats in the upper House. That was the body which, for the sake of faction, and placing the whole power in the hands of the residents, they were about to disfranchise. He did not believe it deserved to be disfranchised, and that was the reason why he objected so strongly to the Amendment.

The SOLICITOR GENERAL said, the Government deprecated the annihilation of the functions of Convocation as strongly as the hon. Member for North Warwickshire, who had just addressed them, and he begged to invite attention to two considerations. First, the Charter granted to the University of Oxford was to the Chancellor, masters, and scholars; and therefore all masters whose names were on the books were corporators, but the only franchise they had was the power of voting as members of Convocation. The effect of the Amendment would be to leave the masters an integral part of the corporation of the University, and yet say, in a most inconsistent manner, that they should exercise no power as corporators within the University. The other consideration was, that if they struck off the power of non-resident masters to attend Convocation, they would deprive them of all interest in the University, and the practical consequence would be that the names on the books of the different colleges would be much diminished in number. That was a consequence which he should deplore, and he had no doubt, as every consideration of expediency and legality negatived the Amendment, the Committee would unanimously come to the conclusion that these words should remain as part of the Bill.

Sir JOHN PAKINGTON said, that, as a member of the University of Oxford, he could not hear the language of the hon. Member for Haverfordwest (Mr. Philipps) without entering his protest against it. He was sorry to hear the hon. Member so led away by his zeal for this Bill as to speak of the majority of Convocation as armed in the triple mail of obstinacy, ignorance, and prejudice. The expression was most unjustifiable.

Mr. PHILIPPS said, he had been very considerably misrepresented. He most distinctly disclaimed any intention of applying these terms to the general character and attainment of non-resident members. He had been objecting to persons acting either on one side of a question or the other without previously making themselves acquainted with all the circumstances—citing the case of Dr. Hampden as an instance—and he had taken particular care to limit those expressions to the views and conduct of those persons with regard to the point at issue. If a man went up to pass sentence upon writings which he had never read, or of which he had only read garbled extracts, he conceived it was perfectly justifiable to say that his conduct with regard to that point was marked by "prejudice, obstinacy, and ignorance."

Mr. J. G. PHILLIMORE said, that when they were told the Articles were understood in a non-natural sense, it did not require very attentive consideration before the non-residents could make up their minds that such doctrine was mischievous, and ought to be suppressed.

The CHANCELLOR of the EXCHEQUER hoped, for the credit of the Committee, they were not going into this wide field of discussion. Matters of this kind only perplexed and wearied, and drew away their attention from the point under consideration. When the hon. and learned Member for Leominster spoke of the theory that the articles were understood in a non-natural sense, he was entirely unjustified in applying that to the University of Oxford.

Mr. J. G. PHILLIMORE had heard that theory was so stated.

The CHANCELLOR of the EXCHEQUER: By whom?

Mr. J. G. PHILLIMORE: By the same Mr. Williams to whom the hon. Member for Haverfordwest referred.

The CHANCELLOR of the EXCHEQUER: If the hon. and learned Member had heard it said so of Mr. Williams, Mr. Williams ought to answer that; but Mr. Williams was not the University of Oxford. He was bound to say he believed the hon. and learned Member was entirely in error. That most improper expression of opinion, he knew, had been ventilated. It had been much ventilated by a gentleman who had no connection with Mr. Williams, except that their names both began with a W—Mr. Ward.

Mr. ROUNDELL PALMER said, he must defend the character of Mr. Williams, That gentleman had no doubt written several tracts, but in them he had never ventured beyond the bounds of fair speculation allowed to persons who had signed the Articles of the Church of England, and those who supposed that he had any tendency to Romish doctrines greatly mistook both Mr. Williams and his writings. He thought it right to say so much in defence of a man who was most unassuming in all the relations of life, who was distinguished as a scholar, and who, as an exemplary parish clergyman, had gained the respect and esteem of all who know him.

Mr. J. G. PHILLIMORE said, he was perfectly aware that Mr. Williams had no Romanising tendencies, but he had named him, on being called to do so, as he had read these tenets in his writings.

Mr. RICE said, this discussion would be perfectly endless, if it were allowed to degenerate into personalities. He had no sympathies with the feeling in favour of the non-resident members of Convocation, and what he should like to see was the establishment of Congregation on as wide a basis as possible, which he was certain would consult the interests of the University much better than Convocation did.

Mr. HORSMAN said, he would suggest that this discussion should be postponed till they came to the 24th clause, when it could be more properly raised.

Lord JOHN RUSSELL said, he agreed with the hon. Member who had just sat down, that it would be far better to take the discussion as to whether Convocation should be retained, and, if retained, whether it should be modified in form, upon the clause which specially referred to that subject.

Mr. HEYWOOD said, he would assent to that proposal and withdraw his Amendment.

Clause *agreed to.*

Clause 18 (Composition of the Congregation).

Sir WILLIAM HEATHCOTE said, that this clause enacted that the Congregation should be composed, among others, of the following persons—

> "The Tutors of Colleges and Halls and other officers engaged in the discipline of Colleges; all Masters of Private Halls; all residents who, though not actually holding any of the aforesaid qualifications, may have held one or more of them at any previous time for three years and upwards; and residents qualified in respect of study under this Act."

Now, he begged to move, by way of Amendment, that all these words be left out, and the words "all residents" be substituted. His wish was to extend the privileges of the Congregation, if possible, to all the resident members of the University. It was invidious to make the minute distinctions which were attempted to be established by this clause. If the Congregation were to be useful at all, it ought to be an epitome and a representation of the Convocation, and ought to have in it as many elements of the Convocation as possible. This he thought would be better secured by his Motion than by the clause as it stood, while the numbers added to the body would not be great. His Amendment would include the parochial clergy in Oxford, who would form a most desirable body of representatives for the clergy throughout the kingdom, and it would also admit the private tutors, who, as matters stood at present, had no place in the Congregation.

Amendment proposed, to leave out the paragraphs "9, 10, 11, and 12," in order to insert the words "all residents."

The CHANCELLOR of the EXCHEQUER said, it would have been a great advantage to the Government if they had heard the opinions of the Committee generally upon this question, because, though the judgment of his hon. Friend was no doubt entitled to great weight, and though the Amendment was not a vital matter, still the Government preferred the Bill as it stood, and that because it was an attempt to form a body that did represent the aristocracy, in the best sense of the University—that was to say, its mind and intellect and working power. His hon. Friend had alluded to the exclusion of private tutors. Now, he believed there were few private tutors who would not be included in the Congregation, under the head of those who declared themselves—as the private tutors might most conscientiously do—resident in Oxford for the purposes of study. He certainly thought the private tutors ought to be in Congregation, and he believed the Bill as it stood would admit them. But there were two other classes whom the Amendment of his hon. Friend would admit—the parochial clergy and the chaplains of colleges. Now, of the parochial clergy in Oxford he wished to speak with the greatest respect. He knew them to be pious, diligent, and laborious; and he believed there was no village, town, or city in the kingdom that was better attended to. But the object of Government was to give Congregation the character of a body that should stand in immediate relation to the working business of the University, and therefore he believed it would be desirable that the parochial clergy, who had no necessary connection with the University as such, should not be members of it. They were going to call the Congregation into existence to exercise most important functions, and they thought it better to compose that body with very considerable strictness, and not to include persons in that body except very good reasons could be shown for it. He could not find any reason in favour of including the parochial clegy. Then, with regard to the chaplains of colleges, their number, he believed, was rather short of twenty, and they were still less qualified, *ex officio*, to be members of Congregation. Most of them had been educated through the medium of certain eleemosynary foundations. Within his knowledge many of them were excellent men, and some of them were able, learned, and accomplished men; but, then, those of them who were learned and accomplished men would come into the Congregation as students or as tutors of the University. But there was a considerable number of them who were chaplains only. He must confess that he was not prepared to say that that class, considered as a class of chaplains, was in that capacity entitled to become members of Congregation. He had no fear at all that the constitution of the Congregation would produce a conflict of classes in that body. He believed it would be composed of men on whom the signs of party conflict in that House would operate very feebly. The principle upon which the Congregation ought to be based was, that it should represent the intellect and aristocracy of the University, and include within it the whole studying and the whole teaching body of the University. The Government had endeavoured to frame the provisions of the Bill to that end. At the same time they were perfectly inclined to listen to the suggestions of hon. Members if in any way the Bill could be improved.

Mr. WALPOLE said, he wished to ask what was the precise intention of his hon. Friend in substituting merely the words "all residents?" His right hon. Friend the Member for Oxfordshire (Mr. Henley) had, the other evening, defined residents to mean those who victualled and slept at the Universities—those who had *victum et cubile* there. He wished to know whether his hon Friend confined his Amendment to those parties who were included in that definition?

Sir WILLIAM HEATHCOTE said, that he included in the word "residents" not only those who lived within the limits of the University of Oxford, but those who resided in the City of Oxford. There were other classes who might also be included in the terms of his Amendment. With respect to the observation of the right hon. Gentleman the Chancellor of the Exchequer that some of the persons who were intended to be included in the Amendment would be qualified to belong to the Congregation by virtue of their being students or private tutors, he (Sir W. Heathcote) must observe that that would entirely depend upon whether the House would approve or not the qualification in respect of study. It seemed to him to be a form of qualification calculated to lead to a good deal of difficulty. It was not a qualification which he should like to take. He desired to use words that would include the persons to whom he alluded, whether they were qualified by study or not. In answer to the observations of the right hon. Gentleman the Member for Midhurst, he had to say that he intended persons who had resided within the boundaries of a college for twenty-four weeks of the previous year.

The SOLICITOR GENERAL said, he would suggest that the object would be satisfactorily attained, and the very desirable principle upon which the clause was framed secured, by giving the privilege to all those who were actually engaged, more or less, in the great business and end of the University, by inserting the words, "residents qualified in respect of study and teaching." The addition of such words would make the clause comprehensive enough to include all who contributed anything to the object and purpose of the University.

Mr. ROUNDELL PALMER said, he would put it to the Committee whether it was not complicating the Bill, and introducing invidious and ungenerous distinctions, to exclude the smaller classes, whose disqualification for taking part in the business of the University, he must say, had not been established to his satisfaction. His right hon. Friend the Chancellor of the Exchequer had narrowed the classes of those residents qualified in respect of study by excluding the parochial clergy and chaplains of colleges from Convocation. With respect to the former, he thought that they might be usefully introduced, as being a distinct class from the non-parochial clergy living in colleges. As to the latter, he could not agree in the reason assigned for their exclusion. It was said that they represented the eleemosynary element, and that they were disqualified by that circumstance. Now, he thought that the eleemosynary element ought to be represented in the University. Independently of this principle, to which he attached importance, the chaplains of colleges filled most important and honourable offices—offices which had relation to the ends of the University. On these grounds he contended that the introduction of these two classes into the governing body could not be mischievous, whilst it might be useful. If harmonious action were desired, it would be far better to include all the residents, and exclude none; but if a large number were excluded besides chaplains and parochial clergy, a large proportion of fellows of colleges must be among them—those who were not expected to take out certificates of study. He did not think these fellows were unworthy to become members of Convocation. Whether they took out certificates of study or not they were worthy of the franchise, and he demurred to the principle involved in the proposed change. He would much rather go back to the old principle, which was more likely to give satisfaction and to ensure the smooth and easy working of the Bill.

Mr. BLACKETT said, he concurred with the views of the right hon. Chancellor of the Exchequer, and hoped he would adhere to the proposed alteration in the clause. It was his conviction that it would work well.

Sir THOMAS ACLAND said, he quite agreed with the hon. and learned Member for Plymouth (Mr. R. Palmer). The new governing power should, as far as possible, include every influential class in the University, so that it could not be said that it was confined to any one or two. He therefore suggested that the provisions should be extended to all non-resident members. By this means, when those members returned to the University, from time to time, they would exercise large influence, and bring the benefit of past experience to bear upon the actual state of things.

Mr. HENLEY said, he did not think the views expressed on this question by the Chancellor of the Exchequer were sound. They would leave the Act open to a loose construction. Half the persons who passed through the University became working members of the Church of England; why should they be excluded, who could bring to bear upon it the weight of their practical knowledge of the work of the Ministry? With regard to the chaplains of colleges, there was great force in the argument that they represented the eleemosynary principle, and their presence must be of great use in relation to the wants and feelings of the class who had been assisted in their education. He desired to see every class in the University represented. The wider the representation, the greater the efficiency of the University.

The SOLICITOR GENERAL said, the Bill, as it now stood, included all officers of the University, all persons engaged in tuition in the most general sense, and all persons engaged in the discipline of it. All persons who were *bonâ fide* teachers were included. He could perceive no element or condition that was excluded. With regard to the two classes proposed to be excluded, he must observe, in relation to the parochial clergy, that simple residence in that character in Oxford gave them no connection with the University. They had no connection with it necessarily, and they were not within the rules implied by the institution of the University. As to the chaplains to colleges, he concurred that the eleemosynary element was necessary in the governing body; but he submitted that it would be sufficiently represented there without the inclusion of these classes.

Mr. DRUMMOND said, he had always deemed it to be a great anomaly in the management of the University that the chaplains should be held to be an inferior class. That, however, was practically the case. In fact, in consequence of their poverty, they were not looked upon as in a position to associate with gentlemen. As an instance of what the operation of the clause under these considerations would be, he might observe that it would exclude, if passed as it then stood, the son of his hon. Friend opposite (Sir T. Acland), one of the first physicians in Oxford, from a right to be a member of the governing body of the University.

Mr. J. G. PHILLIMORE said, that the proposed exclusions were both ungenerous and offensive, and he hoped they would not be passed. Under them the poet Gray would have been excluded from the governing body; and if the clause was carried, as proposed, such instances would occur over and over again.

Mr. HORSMAN said, he must submit that at no time could it have been contemplated to include the two classes now under discussion. It was not, however, for the Government to prove their disqualification; it was for the other side to prove their qualification for the privilege. The Government, in his opinion, had put the whole case upon an intelligible principle, when they said that everybody actually connected with education should be included. This established some distinct relation to the University. Now, in what relation did the parochial clergy stand to the University? They had no relation to it except that of mere residence in the town; and being merely casual residents, they could have no claim to the privilege. As to the college chaplains, the question was not whether having received eleemosynary assistance was a disqualification, but whether that principle was not already represented. He contended that it was, by several members who had received their education by that means. No qualification could be sounder than that which had been adopted by the Government—that those who took part in the government of the University should stand in some function or other in relation to its studies.

The Solicitor General

Mr. HILDYARD said, if the hon. and learned Solicitor General was right in the opinion which he had expressed, that to be a member of Congregation ought to be a distinction, he was entitled to ask upon what ground, by excluding those whom it was admitted this clause would strike out, they undertook to pronounce them unworthy of such distinction? He had heard but two reasons assigned. It was said that a portion of the persons excluded were parochial clergy; but he would bring to the recollection of the Committee that some of the best bishops on the bench had been found, like Cincinnatus at the plough, discharging the duties of parish priests. With respect to the chaplains of colleges, and the allusion which had been made, in connection with their case, to the recipients of eleemosynary education, he would beg to remind the Committee that in the University of Cambridge a very large body of the most distinguished men in the University had risen from that very class. It used to be held that every man was entitled to a vote, unless it could be shown that he was unfit to exercise it; but now hon. Gentlemen were for excluding every one who could not make out a clear right and title by the most indisputable testimony. Was it worth their while, for the sake of excluding so small a body, to plant the germ of future dissent? If they wished their new constitution to work harmoniously, they should admit every gentleman who had passed through the University, had acquired a degree, and, from one circumstance or another, was resident within it, to exercise his share in determining how the University should be governed.

Mr. LABOUCHERE said, he was inclined to vote for the Amendment. The parochial clergy of Oxford must have a very good knowledge of what went on in the University, and great sympathy with it, and for these reasons would make very useful members of this proposed Congregation. With respect to the chaplains of colleges, he should be very glad if placing them in this position might have a tendency to put an end to that which, when he was at Oxford, had made a very painful impression on his mind—the ungenerous system of proscription—for he could call it by no other name—to which the servitors were subject, the servitors being the class from which the college chaplains were generally derived. He thought that the qualifications proposed by the clause would be found inconvenient and complicated;

and he saw no practical danger and great practical good in allowing all residents to be members.

Lord JOHN RUSSELL said, it seemed to him, that, although the practical effect of the proposed Amendment would not be considerable, there was a difference of principle between that and the clause as it stood, which ought to have some weight in the discussion. The difference of principle was this—that what the Government proposed was to give the power of election, and of taking part in the regulation of the University, to those who were engaged in the proper business of the University — the business of teaching and study. Now that appeared to him to be a very important distinction, because what they were proposing by this Bill to do was to reform the University of Oxford, and to reform it for the purposes of education. Now, whatever might be said with respect to the clergy resident in Oxford, or the chaplain of colleges, there was no question whatever as to their character or ability involved in the present discussion. It was simply a question with reference to their fitness to perform a particular duty, regarding them as a part of the legislature of a place intended to be a place of education. Now, looking at the matter in that point of view, he confessed he did not think that the resident clergy of Oxford had any immediate connection, as such, with the teaching of the University. The clergy of London were a very distinguished body of men; there had at all times been among them some of the most distinguished clergymen of this country; and according to our present mode of travelling it would be exceedingly easy for them to go from London to Oxford, so that they might very well give their votes there, but no question had been raised as to their being allowed to do so, because they had nothing to do with the teaching of the University, and he did not see that a vote ought to be given on account of the circumstance of residence at the place where education was to take place. With respect to the chaplains of colleges, and to the observations which had been made by his right hon. Friend behind him (Mr. Labouchere), he considered it a reproach to the University that there should be any circumstances existing tending to degrade men who attended the studies of the University, and whose minds and feelings were as sensitive as their own, and to keep them in an inferior position. He should be very glad to alter these circumstances; and he hoped, for the sake of the University itself, that such a state of things as his right hon. Friend had described would not be very long continued. But he was unable to admit that this was a reason why the college chaplains should form part of this body unless they were engaged in teaching. And he thought that some other means might be found of raising the class referred to, besides that which was now proposed. The principle upon which the clause was framed was a very clear one. It was to give the legislation of the University to those who were engaged in the business of the University, and who were acquainted with all its affairs. The words which the Government proposed to add "engaged in teaching or study" would include all who had a fair claim to be included; and, although he did not think the adoption of the Amendment would very much change the character of the Bill, he was sure that upon principle it would be much more consistent to leave it as it now stood.

Mr. WALPOLE said, he would admit that the principle was important, but he thought the noble Lord had very much narrowed it. As he understood the matter, the Congregation would have power to make Amendments in all the Statutes proposed by the Hebdomadal Council, not only with respect to tuition, but with reference to other matters in which the University was greatly interested. Now, if that were true, he thought it a great principle to be established, that they should bring to bear, on so small a body as the Hebdomadal Council, as great an amount of influence as possible, from members who took an interest in the affairs of the University generally, as much as the tutors, who were specially engaged in teaching. No doubt, if this were carried out to the full extent, it would include all the members of Convocation. Why, then, was it proposed to limit it to the resident members? Because they knew what was going on, and all the circumstances connected with the case to be decided, and could not be brought up to give a party vote, and to interfere with the decision which had been arrived at by those upon the spot. That being the case, they ought not to exclude any members resident in the University, because these must be supposed to take as much interest in the affairs of the University as those who were engaged in teaching. Thinking, therefore, that the

Bill as it now stood would disqualify persons who were quite competent to frame Amendments to the Statutes and laws to be proposed by the Hebdomadal Council, he did not think it would be just to these members of the University that they should be subject to such a disqualification.

Question put, "That the words 'The Tutors' stand part of the Clause."

The Committee *divided*:—Ayes 104; Noes 138: Majority 34.

List of the AYES.

Anderson, Sir J.
Bagshaw, J.
Bass, M. T.
Bell, J.
Berkeley, C. L. G.
Bethell, Sir R.
Blackett, J. F. B.
Bowyer, G.
Boyle, hon. Col.
Brocklehurst, J.
Brotherton, J.
Bruce, H. A.
Buckley, Gen.
Burke, Sir T. J.
Byng, hon. G. H. C.
Cardwell, rt. hon. E.
Challis, Mr. Ald.
Chaplin, W. J.
Cheetham, J.
Cockburn, Sir A. J. E.
Coote, Sir C. H.
Cowan, C.
Cowper, hon. W. F.
Dashwood, Sir G. H.
Duncan, G.
Dunlop, A. M.
Elcho, Lord
Ewart, W.
Fagan, W.
FitzGerald, Sir J.
Fitzgerald, J. D.
Fitzroy, hon. H.
Forster, C.
Forster, J.
Fortescue, C. S.
Fox, W. J.
Freestun, Col.
Gardner, R.
Geach, C.
Gladstone, rt. hon. W.
Glyn, G. C.
Gower, hon. F. L.
Graham, rt. hon. Sir J.
Grosvenor, Lord R.
Grosvenor, Earl
Hadfield, G.
Hankey, T.
Herbert, rt. hon. S.
Hervey, Lord A.
Heywood, J.
Horsman, E.
Hughes, W. B.
Hutchins, E. J.
Ingham, R.
Jackson, W.
Keogh, W.
Kinnaird, hon. A. F.
Langton, H. G.
Lee, W.
Lindsay, W. S.
Locke, J.
Lowe, R.
Mackie, J.
M'Gregor, J.
Mangles, R. D.
Marshall, W.
Massey, W. N.
Miall, E.
Moffatt, G.
Molesworth, rt. hn. Sir W.
Monck, Visct.
Monsell, W.
Morris, D.
Mostyn, hon. T. E. M. L.
Norreys, Lord
Palmerston, Visct.
Patten, J. W.
Pechell, Sir G. B.
Peel, F.
Pellatt, A.
Peto, S. M.
Ricardo, O.
Richardson, J. J.
Roche, E. B.
Russell, Lord J.
Sawle, C. B. G.
Scobell, Capt.
Seymour, W. D.
Stafford, Marq. of
Strutt, rt. hon. E.
Talbot, C. R. M.
Tancred, H. W.
Thicknesse, R. A.
Thompson, G.
Thornely, T.
Vernon, L. V.
Walmsley, Sir J.
Whitbread, S.
Wilkinson, W. A.
Willcox, B. M.
Williams, W.
Wilson, J.
Winnington, Sir T. E.
Young, rt. hon. Sir J.

TELLERS.

Hayter, rt. hon. W. G.
Mulgrave, Earl of

List of the NOES.

Acland, Sir T. D.
Adderley, C. B.
Alexander, J.
Bailey, C.
Ball, E.
Bankes, rt. hon. G.
Barrington, Visct.
Barrow, W. H.
Bateson, T.
Beamish, F. B.
Bentinck, Lord H.
Bentinck, G. W. P.
Blair, Col.
Boldero, Col.
Bonham-Carter, J.
Bramston, T. W.
Brown, W.
Burrell, Sir C. M.
Burroughes, H. N.
Butt, G. M.
Child, S.
Cholmondeley, Lord H.
Christopher, rt. hn. R. A.
Clinton, Lord C. P.
Cocks, T. S.
Codrington, Sir W.
Cubitt, Mr. Ald.
Dalkeith, Earl of
Davies, D. A. S.
Dering, Sir E.
Disraeli, rt. hon. B.
Dod, J. W.
Drummond, H.
Dunne, Col.
Du Pre, C. G.
Egerton, W. T.
Egerton, E. C.
Emlyn, Visct.
Evelyn, W. J.
Farnham, E. B.
Fergus, J.
Filmer, Sir E.
Fitzgerald, W. R. S.
Floyer, J.
Forbes, W.
Frewen, C. H.
Gaskell, J. M.
George, J.
Goulburn, rt. hon. H.
Graham, Lord M. W.
Greaves, E.
Greene, T.
Grogan, E.
Gwyn, H.
Hamilton, G. A.
Hamilton, J. H.
Harcourt, G. G.
Harcourt, Col.
Hawkins, W. W.
Hayes, Sir E.
Heathcote, Sir W.
Henley, rt. hon. J. W.
Hildyard, R. C.
Horsfall, T. B.
Hudson, G.
Irton, S.
Jolliffe, Sir W. G. H.
Jones, Capt.
Keating, H. S.
Kendall, N.
King, J. K.
Labouchere, rt. hon. H.
Laffan, R. M.
Langston, J. H.
Langton, W. G.
Lennox, Lord A. F.
Liddell, H. G.
Lovaine, Lord
Macartney, G.
Mandeville, Visct.
Miles, W.
Michell, W.
Morgan, O.
Mowbray, J. R.
Munday, W.
Murrough, J. P.
Naas, Lord
Napier, rt. hon. J.
Neeld, J.
Norreys, Sir D. J.
North, Col.
Otway, A. J.
Packe, C. W.
Pakenham, E.
Palmer, Rob.
Palmer, R.
Pennant, hon. Col.
Percy, hon. J. W.
Philipps, J. H.
Phillimore, J. G.
Phillimore, R. J.
Phinn, T.
Pritchard, J.
Pugh, D.
Repton, G. W. J.
Rice, E. R.
Robertson, P. F.
Seymour, Lord
Shirley, E. P.
Smith, rt. hon. R. V.
Smith, W. M.
Somerset, Capt.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Stanley, Lord
Starkie, Le G. N.
Thesiger, Sir F.
Thornhill, W. P.
Tollemache, J.
Trollope, rt. hon. Sir J.
Tudway, R. C.
Tyler, Sir G.
Vance, J.
Vansittart, G. H.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Walter, J.
Watkins, Col. L.
West, F. R.
Whitmore, H.
Wigram, L. T.
Willoughby, Sir H.
Wise, A.
Wyndham, Gen.
Wyndham, W.
Wynne, W. W. E.

TELLERS.

Lennox, Lord H.
Cecil, Lord R.

THE CHANCELLOR OF THE EXCHEQUER said, that he proposed to add a proviso to this clause, in consequence of the Resolution to which the Committee had come on a former evening. According to the Bill as it originally stood, all the three classes of which the Hebdomadal Council was to be composed were to be elected by the same constituency. The Committee had, however, resolved that the heads of houses and the professors should elect their own representatives at the board, and that being so, he thought they ought not also to take part in the election of representatives of the third class—members of Convocation, and thereby exercise a double privilege. He should, therefore, move the addition of these words at the end of the clause—

"Provided that the persons who shall from time to time be included under the second and seventh divisions hereinbefore mentioned as Heads of Colleges and Halls, and as Professors, shall not be entitled to vote in the election by the Congregation of the members of the Hebdomadal Council."

Mr. HENLEY said, he did not know that there was any objection to the insertion of these words, but the right hon. Gentleman ought to have given notice of a proposition of this kind, so that the Committee might have an opportunity of seeing its bearing.

Mr. HORSMAN said, the proposed addition was the natural result of the Motion which had been carried the other night, and ought, therefore, to be supported by the Committee.

Mr. MILES said, he would suggest that in a complicated Bill of this kind they ought first to go through the clauses, and then proceed to consider the Amendments. It was totally impracticable at a moment's notice to get up a discussion of this kind.

Lord JOHN RUSSELL said, the Government would certainly not wish to do anything which might be considered to take the Committee by surprise, and the proposed addition should not, therefore, be pressed now, but should be printed and laid before the Committee.

Mr. HENLEY said, he was by no means prepared to say that he opposed the Motion. It might be a fair and right one. All he said was, that the Committee ought to have notice of it.

Mr. WALPOLE would suggest that the proposed proviso had better be incorporated in the section which related to the six members of Convocation.

Proviso *postponed;* Clause, as amended, *agreed to.*

Clause 19 (Promulgation of Statutes in Congregation).

Sir WILLIAM HEATHCOTE said, that this clause provided for the due publication in Congregation of "Statutes" made by the Hebdomadal Council. He thought, however, the word "Statutes" was not sufficiently extensive, and he, therefore, proposed to add the words "or other act or ordinance requiring the consent of Convocation." He also doubted whether the proviso reserving the present powers of Convocation would be sufficient to invest them with the new powers created by this Act, and he, therefore, proposed to add at the end of the clause, "and if accepted by Congregation shall be afterwards submitted to Convocation for final adoption, as a Statute, Act, or Ordinance of the University."

The SOLICITOR GENERAL said, he would not oppose the first Amendment of the hon. Baronet, though he believed it to be unnecessary; but he must object to the latter.

Mr. HENLEY said, he should be sorry to see the proposed alteration accepted, since it would have the effect of imposing a check upon the political franchise exercised by this body corporate. It was as though the inhabitants of a town, who wished to petition Parliament, were to be prevented by the town council, and told that they should not do so. This was no academical question affecting the position of the "aristocracy of intellect," but it was simply a question of a political right and franchise. He feared it would give to Congregation the power of preventing the University from petitioning on any subjects on which the opinions of Congregation were at variance with those of Convocation.

The CHANCELLOR of the EXCHEQUER said, he did not think the right hon. Gentleman took the right view of the case. But he confessed that he doubted very much whether that was to be regarded as a practical restriction upon the privileges of the University. The fact was, that Convocation was now very much fettered in its power of expressing an opinion, for it could only debate in Latin, and had no power to suggest amendments on any proposition laid before it. It was now proposed to constitute Congregation on a pretty broad basis, including all those who took part in the business of the University. To them would be given the power of discussing in English, and of entertaining amendments, and, therefore, he thought that upon the whole the privileges of the

University would be extended and not diminished by this Bill.

Mr. NEWDEGATE said, that the effect of the Amendment would be to deprive the University—that great constituency which had returned the Chancellor of the Exchequer himself to that House—of the power of petitioning that House, or of expressing an opinion and praying the concurrence of Parliament in its views. It would give such a power to the Congregation that Convocation would be able to do absolutely nothing without its consent. For a Government which professed to be Liberal, and for a representative of the University thus to endeavour to stifle the expression of opinion by the most enlightened constituency in the kingdom, was a circumstance that filled him with astonishment.

The SOLICITOR GENERAL said, that the indignant remarks of the hon. Member were founded upon two assumptions, both of which were unfounded. For, in the first place, Convocation never had the power of petitioning except through the medium of the Hebdomadal Board; and, in the second place, the present Bill would not increase the control which was now exercised over the proceedings of Convocation, but would simply vest in the hands of the Hebdomadal Council and the Congregation, instead of in those of the Hebdomadal Council alone.

Mr. HENLEY said, that he must repeat his objection to this Amendment, because it would have the effect of putting a fresh check upon the exercise of a political franchise; for the right of petitioning, which members of Convocation now enjoyed, must be regarded in that light. They might just as well say that the aldermen and liverymen of the City of London should prevent that great constituency from petitioning, as that an oligarchy of some 300 members should stop the expression of its opinion upon political subjects on the part of the whole University.

Mr. ROBERT PHILLIMORE said, that no man could have so little interest in stifling the opinions of the constituency of Oxford as his right hon. Friend the Chancellor of the Exchequer, who had thrice been returned by it by large majorities. He did not see how this clause could be regarded as narrowing the powers of the University. At present the University of Oxford was governed by an oligarchy, and the proposal was to substitute a liberal aristocracy in the place of it. It was a measure, in fact, for enlarging and enfranchising the constituency.

Sir WILLIAM HEATHCOTE said, that while the hon. and learned Solicitor General had stated that the words which he had proposed would not vary the meaning of the word "Statute," his right hon. Friend the Member for Oxfordshire (Mr. Henley) thought that they would do so in a way which he (Sir W. Heathcote) did not intend. As in the one case, then, the alteration would be useless, and in the other it would be noxious, or would effect what he did not desire to effect, probably the best thing for him to do would be to withdraw the words.

Amendment *withdrawn.*

Mr. HEYWOOD moved to insert after the word "promulgated," in line 19, the words, "in the English language," so that the Statutes passed by the Hebdomadal Board might be promulgated in the English language.

Amendment proposed, in page 5, line 18, after the word "promulgated," to insert the words "in the English language."

Question put, "That those words be there inserted."

The Committee *divided:*—Ayes 131; Noes 155: Majority 24.

Sir WILLIAM HEATHCOTE said, he would move to add at the end of the clause the words, "And if accepted by Congregation shall be afterwards submitted to Convocation for final adoption or rejection as a Statute, act, or ordinance of the University," with the view of rendering the meaning more clear.

Amendment *agreed to.*

Sir JOHN PAKINGTON said, he wished for some further explanation as to how the functions of Convocation would be affected by this clause.

Lord JOHN RUSSELL could only say that the Bill directed the Congregation should elect certain members of the Hebdomadal Council. The members of Convocation were all pointed out and specified in the clause, and he thought it would be loss of time to discuss principles already adopted.

Mr. EWART said, that instead of making any innovation, they were returning, by the enactments of the present Bill, to the original foundation of the academic constitution. He must deny that there was any innovation in the powers conveyed by this clause, and considered that the governing power could not be more properly lodged than in the teachers of the University.

MR. NEWDEGATE trusted his right hon. Friend the Member for Droitwich (Sir J. Pakington) would press the question to a division, for all they asked was not to fetter the University, when it had done nothing to prove itself unworthy of the freedom it had enjoyed these 400 years.

MR. HENLEY said, he considered that the question involved in this clause was, whether, when the Hebdomadal Council had determined to originate any measure, the Congregation should be enabled to put a direct veto upon such measure, for as the clause stood such a power would be left in the hands of Congregation. In his opinion the best plan would be to omit the clause altogether.

SIR HENRY WILLOUGHBY said, he thought the clause, by establishing a debating society in the University, was not likely to promote peace and harmony among its members. He would suggest that, as the Hebdomadal Council was to consist of twenty-two individuals, if there should be an equal division upon any question, and eleven were found on each side, the business of the University would be brought to a dead lock.

THE CHANCELLOR OF THE EXCHEQUER said, that the governing body of the University had hitherto consisted of twenty-six members, but there never had been an equal division of thirteen against thirteen. He considered that there could not be the least doubt that it was right to give legislative functions to the Congregation. Looking at the composition of the University of Oxford, which included so many able and working men, he thought it impossible that any system could be satisfactory which placed the whole legislative power in the hands of a small body consisting of twenty-two members. If they wished the University to work satisfactorily, they must make provision for the real discussion of measures which proceeded from the initiative board. If such provision was not made, the whole power of the University would be concentrated in one-third part of the heads, one-fourth part of the professors, and one-thirtieth part of the residents of the University. This power must be given to Congregation or to Convocation, and he thought that Congregation, as representing the working part of the University, and including men of great knowledge and experience, was the body to which it could most properly be committed.

Question put, "That the Clause, as amended, stand part of the Bill."

The Committee *divided*:—Ayes 215; Noes 68: Majority 147.

List of the AYES.

Acland, Sir T. D.
Anderson, Sir J.
Annesley, Earl of
Atherton, W.
Baines, rt. hon. M. T.
Ball, J.
Bass, M. T.
Beamish, F. B.
Beckett, W.
Bell, J.
Berkeley, C. L. G.
Bethell, Sir R.
Blackett, J. F. B.
Boldero, Col.
Bonham-Carter, J.
Boyle, hon. Col.
Bramston, T. W.
Brand, hon. H.
Brocklehurst, J.
Brotherton, J.
Bruce, Lord E.
Buckley, Gen.
Butt, G. M.
Byng, hon. G. H. C.
Campbell, Sir A. I.
Cardwell, rt. hon. E.
Carnac, Sir J. R.
Cavendish, hon. C. C.
Cavendish, hon. G.
Cheetham, J.
Chelsea, Visct.
Cholmondeley, Lord H.
Christy, S.
Clinton, Lord C. P.
Cockburn, Sir A. J. E.
Colvile, C. R.
Compton, H. C.
Cowan, C.
Cowper, hon. W. F.
Crossley, F.
Dalkeith, Earl of
Dalrymple, Visct.
Davie, Sir H. R. F.
Davies, D. A. S.
Denison, E.
Dod, J. W.
Duff, J.
Duncan, G.
Dunlop, A. M.
Dunne, Col.
East, Sir J. B.
Egerton, W. T.
Egerton, E. C.
Elcho, Lord
Emlyn, Visct.
Euston, Earl of
Evelyn, W. J.
Ewart, W.
Fagan, W.
Feilden, M. J.
Ferguson, Sir R.
Filmer, Sir E.
Fitzgerald, W. R. S.
Fitzroy, hon. H.
Floyer, J.
Forster, C.
Forster, J.
Fortescue, C. S.
Freestun, Col.
Frewen, C. H.
Gardner, R.
Gaskell, J. M.
Geach, C.
George, J.
Gladstone, rt. hon. W.
Gladstone, Capt.
Glyn, G. C.
Goderich, Visct.
Goodman, Sir G.
Goulburn, rt. hon. H.
Gower, hon. F. L.
Graham, rt. hon. Sir J.
Greene, J.
Greene, T.
Gregson, S.
Grosvenor, Earl
Hadfield, G.
Hall, Sir B.
Hankey, T.
Harcourt, G. G.
Harcourt, Col.
Hastie, A.
Heathcote, Sir W.
Herbert, rt. hon. S.
Hervey, Lord A.
Heywood, J.
Hindley, C.
Horsfall, T. B.
Howard, hon. C. W. G.
Hughes, W. B.
Hutchins, E. J.
Ingham, R.
Johnstone, Sir J.
Keogh, W.
King, hon. P. J. L.
King, J. K.
Kinnaird, hon. A. F.
Knatchbull, W. F.
Langston, J. H.
Langton, W. G.
Lawley, hon. F. C.
Lee, W.
Lewis, rt. hon. Sir T. F.
Liddell, H. G.
Lindsay, hon. Col.
Lindsay, W. S.
Lisburne, Earl of
Locke, J.
Lovaine, Lord
Lowe, R.
Luce, T.
Mackie, J.
MacGregor, J.
M'Gregor, J.
Mangles, R. D.
Marjoribanks, D. C.
Marshall, W.
Matheson, Sir J.
Miall, E.
Miles, W.
Milligan, R.
Mills, T.

Milner, W. M. E.
Mitchell, W.
Moffatt, G.
Molesworth, rt. hn. Sir W.
Monck, Visct.
Moncrieff, J.
Monsell, W.
Montgomery, Sir G.
Morgan, O.
Morris, D.
Mostyn, hn. T. E. M. L.
Mowbray, J. R.
Mundy, W.
Murrough, J. P.
Neeld, J.
O'Brien, P.
Oliveira, B.
Osborne, R.
Otway, A. J.
Paget, Lord A.
Palmer, R.
Palmerston, Visct.
Pechell, Sir G. B.
Peel, F.
Pellatt, A.
Pennant, hon. Col.
Percy, hon. J. W.
Peto, S. M.
Philipps, J. H.
Phillimore, J. G.
Phillimore, R. J.
Phinn, T.
Ponsonby, hon. A. G. J.
Portal, M.
Price, Sir R.
Price, W. P.
Pritchard, J.
Ricardo, O.
Rice, E. R.
Richardson, J. J.
Robertson, P. F.
Russell, Lord J.
Sawle, C. B. G.
Scobell, Capt.
Scully, F.
Seymer, H. K.
Seymour, W. D.
Shelley, Sir J. V.
Sheridan, R. B.
Shirley, E. P.
Smith, J. A.
Smith, M. T.
Smith, rt. hon. R. V.
Smith, W. M.
Sotheron, T. H. S.
Stafford, Marq. of
Starkie, Le G. N.
Stirling, W.
Strutt, rt. hon. E.
Stuart, Lord D.
Talbot, C. R. M.
Tancred, H. W.
Thicknesse, R. A.
Thompson, G.
Thornely, T.
Thornhill, W. P.
Tomline, G.
Tudway, R. C.
Vansittart, G. H.
Vivian, J. H.
Vivian, H. H.
Walcott, Adm.
Walmsley, Sir J.
Warner, E.
Watkins, Col. L.
Whitbread, S.
Wilkinson, W. A.
Williams, W.
Wilson, J.
Winnington, Sir T. E.
Wyndham, W.
Wynne, W. W. E.
Young, rt. hon. Sir J.

TELLERS.

Hayter, rt. hon. W. G.
Mulgrave, Earl of

List of the NOES.

Adderley, C. B.
Alexander, J.
Bailey, C.
Ball, E.
Baldock, E. H.
Bankes, rt. hon. G.
Barrow, W. H.
Bateson, T.
Beach, Sir M. H. H.
Bective, Earl of
Bennet, P.
Bentinck, Lord H.
Beresford, rt. hon. W.
Blair, Col.
Booker, T. W.
Booth, Sir R. G.
Burrell, Sir C. M.
Burroughes, H. N.
Cecil, Lord R.
Chandos, Marq. of
Child, S.
Codrington, Sir W.
Du Pre, C. G.
Forbes, W.
Forester, rt. hon. Col.
Galwey, Sir W. P.
Galway, Visct.
Graham, Lord M. W.
Grogan, E.
Gwyn, H.
Hamilton, G. A.
Henley, rt. hon. J. W.
Hudson, G.
Jones, Capt.
Jones, D.
Kendall, N.
Knightley, R.
Knox, hon. W. S.
Laffan, R. M.
Langton, H. G.
Lennox, Lord A. F.
Macartney, G.
Mandeville, Visct.
Masterman, J.
Naas, Lord
Napier, rt. hon. J.
North, Col.
Packe, C. W.
Pakington, rt. hn. Sir J.
Palk, L.
Parker, R. T.
Sandars, G.
Somerset, Capt.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Taylor, Col.
Thesiger, Sir F.
Trollope, rt. hon. Sir J.
Tyler, Sir G.
Vance, J.
Vane, Lord A.
Whitmore, H.
Williams, T. P.
Willoughby, Sir H.
Wise, A.
Wyndham, Gen.
Yorke, hon. E. T.

TELLERS.

Newdegate, C. N.
March, Earl of

Clause *agreed to*.

House resumed. Committee report progress.

CHURCH BUILDING ACTS AMENDMENT BILL.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. HADFIELD said, he should move that the Committee be postponed until that day six months.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day six months, resolve itself into the said Committee," instead thereof.

The SOLICITOR GENERAL said, he was not sure, if the hon. Member who had made that Motion knew the real object and meaning of the Bill, he would not have thought of impeding its progress. The circumstances which rendered the Bill necessary were these:—A contract had been entered into for the purpose of erecting a church in Lambeth. A part of the site of that church was originally comprised in one lease, the holder of which lease had granted a great number of under-leases. A contract had been entered into for a portion of the land for a site for the church, and the only delay in building the church arose from the circumstance that the original lessor had been advised not to lease that part of the land, lest he should thereby impair or endanger his title to the rest. The Bill had been framed to enable the contract to be at once carried into effect, and to prevent the possibility of difficulties of that nature arising hereafter. The Bill had been suggested by a very eminent conveyancer; the propriety of such an alteration in the law had received the general sanction of gentlemen who were eminently versed in the practice of conveyancing; and he earnestly trusted his hon. Friend would not oppose any difficulty in the way of proceeding with the Bill. A measure more necessary for the particular purpose, or more useful for general purposes, it was not very easy to conceive.

Mr. W. WILLIAMS asked from what source the money was to come for building a church?

The SOLICITOR GENERAL said, he was sorry he could not answer that question. He supposed the money would be raised in the ordinary way.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

Bill *considered* in Committee, and *reported* as amended.

MANNING THE NAVY BILL.

Order for Second Reading read.

Captain SCOBELL said, he was not going to oppose the second reading of the Bill, but some of the clauses would require looking into, and he would reserve any objections he had to make until it went into Committee. It was called "A Bill for the more effectual Manning of the Navy," whereas, in point of fact, it related almost exclusively to the distribution of prize-money. He regretted some further stimulus had not been applied, which would have the effect of manning our ships more effectually.

Sir GEORGE PECHELL said, he was also of opinion that some of the provisions of this Bill required considerable discussion. There was not a word of manning the Navy in it, and he gave notice that when it went into Committee he should enter fully into the subject.

Sir JAMES GRAHAM said, that when the Bill was introduced into the House, he fully explained the course which the Government intended to take, and the objects which they wished to accomplish. It was only a temporary enactment, a surrender on the part of the Crown, subject to the distribution which Parliament should provide, of that which was the prerogative of the Crown, namely, all prizes taken during the war. He hoped, therefore, that no unnecessary delay would be brought to bear against the measure.

Motion *agreed to;* Bill read 2°.

NAVY PAY, ETC., BILL.

Order for Second Reading read.

Mr. OTWAY said, he considered that the right hon. Baronet should have explained more fully this measure to the House than he had done. The whole scope of the Bill seemed merely to revert to the plan that was adopted in 1739, and which gave universal dissatisfaction. He had reason to believe that the measure was regarded by the Navy generally as obtrusive, and was neither requisite nor desirable. The officers of the Navy had never, that he was aware of, expressed any dissatisfaction with the conduct of the Navy agents, and he could not see either the utility or expediency of substituting regimental agents in their place.

Sir JAMES GRAHAM said, that the Bill was framed for the express purpose of obviating the abuses which were proved to exist during the last war. Failures on the part of Navy agents were common during that war, and he had a list before him which showed that from 200,000*l.* to 300,000*l.* was lost through the failure and misconduct of those persons. The proceeds of the sales of prizes being paid into the hands of Navy agents, they had a deep interest in delaying the division of the proceeds, they having, until the proceeds were divided, the whole benefit of the use of the money of the captor. The object of the Bill was to ensure the prompt sale of the prize by a Government officer. From the moment the sale should be effected the proceeds of it would be paid to a public account, in England, opened at the Bank of England abroad, either with the Commissariat or a Navy agent, and the public would be liable for the full amount of the proceeds. There would, therefore, be prompt payment and ample security, and, as related to the interest of the captor, power was given to the captor to nominate his own agent. He was quite ready to meet hon. Members in Committee on the question, and he felt assured that if the measure were fairly and dispassionately viewed, it would be found that, in every respect, the interest of the service had been studiously consulted.

Motion *agreed to;* Bill read 2°.

The House adjourned at half after One o'clock.

HOUSE OF LORDS,

Friday, May 12, 1854.

Minutes.] Public Bills.—2ª Militia.
3ª and *passed.* Militia.
Royal Assent.—Income Tax; Exchequer Bills (£16,024,100); Highways (South Wales); Valuation (Ireland) Act Amendment; Commons Inclosure; Ministers' Money, &c. (Ireland); Church Building Acts Continuance; Militia.

MILITARY KNIGHTS OF WINDSOR.

The Earl of MALMESBURY said, he had a petition to *present* from the Military Knights of Windsor, complaining of the appropriation of the revenues of the charity, and praying for redress, and in so doing he would put a question to the noble and learned Lord on the woolsack with respect to the object the petitioners had in view. The petition he was then presenting was, with some verbal alterations, adapted to the forms of the House, and also, with some very slight additions, the identical petition that was presented from the Military Knights of Windsor to George II., in 1735, by the Earl of Albemarle of that day. The petition stated that Queen Elizabeth had granted, by indenture, certain lands and tenements, of the yearly value of 600*l.*, amounting now to 14,000*l.*, and above that sum, to the Deans and Canons of Windsor and their successors, with the intent and purpose that the yearly rents and profits of same should be bestowed for the maintenance of thirteen poor knights; and the petition also stated that the Dean and Chapter had applied those yearly revenues, rents, and profits to and amongst themselves for their own uses and purposes. It was recorded that in another place an humble Address to the Crown was agreed to to petition Her Majesty to institute an inquiry into the claims of those knights; and the consequence was, as he was given to understand, that the Home Secretary laid the case before the Commissioners of the Charitable Trusts Act. If these Commissioners had the same extensive powers as a Committee of their Lordships would have to summon witnesses and compel the production of evidence, then he would say that those Military Knights who claimed redress would have all the redress they were at present entitled to; but there were clauses of the Act to which he wished to called the attention of his noble and learned Friend, and to ask whether they did not exclude the jurisdiction of the Board in this case? By the 15th clause of the Act the Commissioners could not interfere where any person was claiming property adverse to the charity, and he doubted whether that was not in itself a sufficient disqualification in that case; but there was another ground on which to question the jurisdiction of the Board, arising from the supposition that the church of St. George, Windsor, is exempt under the 62nd clause, which says that the Act shall not extend to the Universities of Oxford, Cambridge, or London, or to any cathedral, or cathedral church. He also begged to inquire whether the Court of Chancery would have jurisdiction in that case?

THE LORD CHANCELLOR said, that with regard to the first question put by his noble Friend, namely, whether it was competent for the Charitable Commissioners to decide on the complaints of the Knights of Windsor of an alleged misappropriation of funds on the part of the Dean and Chapter, he had no doubt whatever that it was not within their competence to do so, because their jurisdiction was, by express provision, not to extend to the funds of any collegiate church. He did not think the other section would at all interfere with them, for that section applied to the cases of persons claiming property adverse to the charity; but the claim here was merely adverse to the Dean and Chapter, and that would not prevent the Commissioners from considering it. He wished to say that he might have led the parties into error, for, having come to him, not judicially, but privately, and asked him his opinion, he had suggested that they should go to the Charitable Commissioners, not knowing that there were those objections to their jurisdiction. With regard to the other question, as to whether the Court of Chancery had jurisdiction, he should decline giving any opinion, but he considered it would be a strange thing if, there being a misapplication of charitable funds, the Court of Chancery could not interfere.

Petition ordered to lie on the table.

THE WAR WITH RUSSIA—QUESTION—

THE "ANDES" STEAM TRANSPORT.

THE MARQUESS OF CLANRICARDE begged to call the attention of the noble Duke the Secretary of the War Department to a statement of great importance which appeared in a newspaper of that day, and hoped he might be able to give them information respecting it. If information could not at present be given respecting it, it was a matter that required the immediate attention of Her Majesty's Government. There appeared in a letter, which was stated to have been received from an officer on board the *Andes*, which was employed in the conveyance of troops, the following statement—

> "I write these few hasty lines to inform you of our safe arrival at Malta, which is now about ten miles distant. We have had, altogether, a very fine passage. From Plymouth to Gibraltar it was splendid, having left Plymouth on Friday, at half-past seven P.M., and passed Gibraltar on

Tuesday afternoon at half-past three. During the night, however, of Tuesday it blew a gale right ahead, which delayed us two days, otherwise there is little doubt we should have made the run to Malta in a week. We had a most providential escape yesterday from total loss. The ship caught fire, and for about two hours we were working for our lives, and got it under, thank God, without accident. The regiment behaved capitally. It was certainly the most alarming two hours of my life. We were a long way from land, had only two small boats, and had 1,050 men on board, and several tons of gunpowder, so the loss of life must have been immense. We threw overboard 50,000 rounds of ball cartridges."

Though he had heard reports that the ship was not so well prepared as it might be, he had no remark to make upon that subject on the present occasion; but he wished to call the attention of the noble Duke to a fact that was stated positively, namely, that in that ship, laden with a vast number of men, there were only two small boats. That was a statement which, if it could not be contradicted, would cause great alarm for the safety of other troops that might be sent from our shores. It was a fact — if it were a fact — that required the attention of the Government; but he should be most happy if the noble Duke could give them reason to believe that the report was incorrect, or give them an assurance that care would be taken that no such case should happen again. There was very great difficulty in all these transactions under the present arrangement of the War Department; but he did not mean to go into that subject, which had been so ably spoken to on a former occasion. No one knew on whom the responsibility would lie if the statement be correct, or if such a case as that should occur again, and the tremendous loss of life it might occasion should happen. This was not a ship belonging to Her Majesty's Navy, and therefore he did not know that the Admiralty would be to blame. This was one of those ships that had been taken up for a particular occasion, and they did not know to what officer, if any, was awarded the duty of taking care that in all respects a ship so chartered and provided should be properly prepared for the troops despatched in it. But their Lordships would see that, if it were true, and if this large number of men were sent out in a ship with only two small boats on board, the officer, whoever he was, must have grossly neglected his duty.

THE DUKE OF NEWCASTLE said, that it was perfectly true, as stated in the newspapers, that the ship *Andes* caught fire when about 300 miles west of Malta. The fire was supposed to have originated in consequence of the too great draught of the furnaces. With regard to the question put to him (the Duke of Newcastle) by the noble Marquess, as to whether it was a fact that there were only two small boats on board that ship, he certainly was not able to answer whether such was the case or not. He had sent to the Admiralty to ascertain if they had any report, and had learnt that they had not. Neither was the fact mentioned in the report received from the Horse Guards from the commanding officer of the regiment, who gave a detailed account of the transaction, and spoke in the same terms as the newspaper correspondent did of the conduct and discipline displayed by the troops. To return, however, to the question of the boats, he could only say that these vessels, not belonging to the Royal Navy, but being taken up by Government, were surveyed prior to being taken up and prior to leaving this country by officers appointed by the Admiralty, and he could not but think that it was impossible that any vessel could have passed that survey which carried only two small boats. He had heard it suggested that the boats belonging to the vessel might have been left behind in consequence of the increased quantity of baggage and other articles which it was necessary to carry; but he could only say that if it really were the case that the ship had only two small boats, the officer appointed to survey the vessel would have been highly culpable in allowing it to put to sea with those boats left behind. But for the statement made by the gentleman who appeared to have been on board the *Andes* at the time she caught fire, he should have conceived that it was impossible that such could have been the case. It was a matter of such importance that he had requested the Admiralty to make an inquiry into the subject, and ascertain if the statement referred to by the noble Marquess was or was not correct.

THE EARL OF ELLENBOROUGH said, he thought it quite impossible to believe that the fact as stated was true, because there was no doubt as to the letter written by the officer in command of the troops, who had an interest in ascertaining the facts with regard to the number of boats on board, when the lives of himself and others were involved. It was essential that a great number of boats should be attached to those ships, not only for their usefulness during the voyage, but because, when they arrived in Turkey, it might be expected that they would be employed in the conveyance of troops from one point to another, and in landing the troops. He was confident that to have a sufficient number of boats was a matter of the greatest consequence.

CHURCH BUILDINGS ACT AMENDMENT BILL.

House in Committee (according to order).

Clause 1.

Earl NELSON rose to move an Amendment for the purpose of making the measure exceptional rather than general. He desired by the Amendment to prevent the ill effects that must arise if there was a feeling abroad that no sooner were churchyards closed than power was given, though money might have been paid for the burial of the bodies in these churchyards, to sell them, and that that was to be a general power. There was also a general power in the Bill for pulling down churches; and his object was to induce their Lordships to confine it to the City of London and to other cases (if they could be found) like the City of London, and to put them in a schedule annexed to the Bill, so that the Bill might not go forth to the country as a general rule, but only as an exceptional one. Another objection to the Bill was, that, having reference both to the country and to London, there was no check in the Bill to limit the operation of it in regard to the amount of population. It was advisable to introduce in Committee some limit as to the number of the population where a church must be kept, and the number of the population where a new church should be built; and this, as the Bill at present stood, it would be impossible to do, because the rule that was applicable to London would not be applicable to the country. It might be said, and he so far agreed, that one of the great uses of the Bill was the union of benefices proposed by it; he had proposed an Amendment, however, to the very first clause, touching the union of benefices, on this principle, that uless a special case could be shown, it was wrong that they should, by a side-wind, as it were, alter an Act which was watched in the most jealous manner whenever a proposition was brought forward that an alteration should be made in it. If a further amendment of the Union of Benefices Act were required throughout the country he had no objection to it, so long as it was brought forward as an amendment of that measure, and not brought forward by a side-wind. He would remind their Lordships of the grounds on which the present Bill was justified by the promoters of it. In the first place, it is said that the City of London was left without a population altogether—that the population had gone to other places; and the proposal, therefore, was to pull down their churches, and set them up in those other places. And, in the next place, they said they wanted to sell the sites, because they would get so large a value for them, as being situate in the City of London. He (Earl Nelson) doubted, himself, whether even these reasons would justify this Bill; but he was quite certain—and he trusted their Lordships would agree with him—that unless cases could be shown of a similar nature, there was no reason which would justify them in allowing, as a general rule, the pulling down of churches and the selling of the churchyards, where these grounds could not be shown to exist. With reference to places out of London, the Bishop of Chichester, who was on the Committee, had a case which he was anxious the Bill should meet; but the object was to join a large parish outside the town to a small parish. That had only reference to the union of parishes, and had no reference to the pulling down of churches or the sale of churchyards; in fact, he particularly mentioned that he did not want to pull down the churches. The right rev. Prelate (the Bishop of Lincoln) had stated to him the case of Lincoln; and he would put it to the House whether the case which was shown to exist in Lincoln was a case which would justify the extravagant clauses in this Bill? It appeared that in the city of Lincoln there were thirteen small churches, and the right. rev. Prelate considered that, in consequence of the smallness of the endowments of those churches, it would be much better to unite many of them; and in that he agreed with him, but that only referred to the uniting of benefices. But the right rev. Prelate also said that it would be also convenient to pull down all these thirteen churches of Lincoln for the purpose of building five large churches in different parts of the city. Now, however strong the case might be shown in London to justify the questionable proceeding of pulling down churches and selling the sites of the churchyards, he doubted whether they should allow such a thing to take place on such comparatively small and insufficient grounds as those put forward in respect to Lincoln. He was told there was another very great case in Norwich, which would quite overwhelm them. Knowing that Norwich was celebrated for its large number of churches, they thought they had a case that was very likely to be a strong one, to show that Norwich was similarly situated to the City of London. He asked their Lordships to attend to a statement, received by him from a friend whose authority he could not doubt, respecting the City of Norwich, from which it appeared that, as a general rule in that city, where the clerical duties were even decently well performed, the churches, with all their disadvantages of high pews and dilapidated buildings, were upon the whole well attended. His informant, no doubt, stated that he had visited one church where there were only three persons besides himself at the morning service; but the reason of that was that the clergyman had some impediment in his speech which made it difficult to understand what he said, and he questioned if those three persons had ever attended before. They would also find that the church of St. Julian, about a quarter of a mile distant, having fallen down, had been rebuilt; and his correspondent stated that on his way to the service he saw a number of persons, sufficient to fill three such churches, smoking and reading, leading to the supposition that if hard-working curates were appointed in that parish, the result would be satisfactory. Judging, therefore, he added, from his observation of the attendance at the churches, and of the inhabitants around the churches, he was convinced that whenever the experiment was tried of increasing the number of working clergy in the parishes, the church accommodation in Norwich would not be equal to the population, and that there would be sufficient congregations to fill every one of the churches in every individual parish. He would say, therefore, that none of the cases, which had come to his knowledge out of the City of London, afforded sufficient reasons for this measure; and he called upon their Lordships, therefore, to consider whether, under these circumstances, this Bill, which was based upon the known state of many of the churches in the City of London, ought to be allowed to operate all over the country merely at the will of the bishop checked by the Ecclesiastical Commissioners. The question of the sale of consecrated sites was a very serious one; and he called upon their Lordships, by affirming the Amendment he now proposed, not to allow this Bill to go forth as generally applicable, but, if clear cases could be shown to justify its application, then let those cases be placed with the City of London in the Schedule. The noble Earl concluded by proposing an Amendment, leaving out in the clause the words "cities or market towns," and limiting the application of the Bill to the City of London.

THE EARL OF HARROWBY said, the noble Earl seemed to think that the bishops, as soon as they got this Bill passed, would set to work with sledgehammers, and destroy churches in all directions in the midst of our towns, exciting everywhere the alarm and horror of the population. Now, so far from this being the case, he believed that it would go against every natural feeling on the part of the right rev. Bench to destroy churches and make away with consecrated ground, except an absolute necessity could be shown. That necessity in many cases did exist, and in a pressing form. With regard to the statements made by his noble Friend, he had to remind their Lordships that the parties most interested were most anxious that the measure should pass. Thus, with regard to Norwich, all he could say was, that the Dean of Norwich, who might be supposed to be pretty well acquainted with the wants of that city, was, he believed, anxious that the Bill should be generally applied. In regard to York, he understood the Archbishop was also anxious that the Bill should be extended throughout the kingdom; so, again, was the Bishop of Chichester, who was certainly no great iconoclast; and it was the same with regard to several others of the cathedral cities; those persons who were the most conversant with the wants of the people there in regard to church accommodation were most anxious to be admitted to a share of the benefits which they believed would be conferred by this Bill. Under these circumstances, without going further into detail, he trusted that their Lordships would admit the principle of making the Bill generally applicable, and would pass the clause as it stood.

THE BISHOP OF OXFORD said, without at all sharing the extravagant fears entertained by some of the opponents of this Bill, he confessed that he thought it would have been the safer course for the present to limit its operation to the City of London. In the first place, he thought the House ought thoroughly to understand, that in one point of fact this Bill introduced an entirely new principle. It had been stated that it only proceeded upon a principle that had been long acted upon in other cases, and that was adopted in the case of the building of London Bridge and the like, but their Lordships would observe that the principle involved in this Bill was totally different from that. In the case of London Bridge, the Church had given all the sanctity it could confer on a certain space of ground that had been set apart for the service of God and the burial of the Christian dead; and it was thought necessary or expedient for the benefit of the public that the Church's right in this respect should be overruled by the national authority, and that the ground should be taken back by the country for some great national or metropolitan object. Now, the principle of the present Bill was entirely a different one. It was not intended to enable—because no such measure was necessary—the State to resume for its own purpose what had been granted for the use of the Church, but to enable the Church, which had become possessed of certain sites that by change of circumstances had become very valuable in point of price, in cases where the population had in the course of time migrated from the neighbourhood of a church to a greater distance from one, to sell those lands in order that it might endow new churches, to be erected in the suburbs, or in districts to which the population had betaken itself. The new principle set up was this—not that the State was to overrule, so to speak, the Church's act—but that the Church, having declared the act it had done, so far as it was concerned, to be perpetual, was to be allowed to terminate the perpetuity, and to part for a money advantage with the lands and buildings that it had consecrated. Now, whether it were right or wrong this was a principle which they ought to admit slowly and with caution. Parliament should require a strong case to be made out, before admitting it anywhere; and when admitted they should require it not to be admitted further than the case made out strictly demanded. Now it seemed to him that if the principle they were now called upon to adopt were applied to London alone, and its operation there were found to be unexceptionable, and that the feelings of Christian men were not rudely nor unnecessarily violated by the removal of the sacred edifices they had been in the habit of frequenting—if they found that new churches were built in the suburbs and endowed with the proceeds of the old sites, and that they were filled by a population that had before wandered churchless, a case would be made out in favour of the principle, and it would not be too much to ask the promoters of the general Bill to renew their application next year, so that Parliament might extend the principle to other places in the country where circumstances called for it. Therefore no hardship would be entailed on those who might have to wait the necessary time until the experiment had been tried in London, and found in its working to be an unobjectionable one. He confessed that he admitted the principle with very considerable reluctance, and so did his right rev. Friend who proposed it; but his right rev. Friend had stated that he felt himself overborne by the consideration of the necessities of those for whose benefit the measure was framed, and that he regretted the inevitable shock it must cause to the feelings of those who had been accustomed to attach sacred associations to these places, to see them converted to different purposes. He was sure the proposition was made with the purest and best intentions, and with a sincere desire to enable the Church to expand her truest energies for the spiritual well-being of the people; but the promoters of the measure must allow equal credit to a difference of judgment upon the detailed application of this principle. The right rev. Prelate (the Bishop of London), who must be best acquainted with the wants of the See he had so long administered, was convinced of the necessity of the measure against his will; and therefore he (the Bishop of Oxford) asked their Lordships to limit the application of its principle for the present to that diocese in which it had been declared to be essential; and then, if it succeeded there, it might afterwards be extended to other parts of the country. There was considerable advantage in maintaining a good number of churches in populous cities. To take the case that had been already mentioned; he should be sorry to see the thirteen churches in one large provincial city pulled down, in order that by rule and compass they might have five large churches built in their stead. In the first place, the religious sympathies and feelings of men could not be reasoned down upon such abstract rules, and they might administer a serious shock to the feelings of those whose families had for generations, perhaps, been in the habit of worshipping in particular churches. Another thing to which they must not shut their eyes was, that there were considerable variations—and he, for one, was not sorry to see those variations—in the mode of performing the common services of the Church, because such variation rooted itself in the different peculiarities and tendencies of man's nature, one form being more adapted to the feelings of one man than it might be to those of another. Add to this the result of prejudice and education, and they would see that this diversity was exceedingly desirable, and far better than rigidly tying down the whole worshipping population of a large town to one absolutely level plain in the mode of administering the common services of the Church of England. We all knew that the congregation of one church liked more singing introduced into the service than was practised in another; that one congregation would not be satisfied if this or that particular canticle were omitted, whilst another would hold it to be almost Romanist if some portion of the service was chanted. By having these multiplicity of churches, they gave room for this legalised dissimilarity, which suited the tastes of different bodies of worshippers; whereas, if they pulled down the churches which people had been in the habit of attending, and told them they must go to a church henceforward that was to be conducted in a different form to what they had been accustomed, and were to throw in merely as a part, and perhaps an infinitesimal part, of a district, those who might have been the leading men in smaller parishes, and had a very influential voice in determining the mode in which the service should be conducted, they would be introducing a dangerous principle, that might do great violence to the feelings of those who were worshippers in particular churches in provincial towns and cities. He asked the House, then, to weigh these things before extending by a needless haste over the whole of the country a principle which he, for one, did not object to in the City of London. It was said that the Bill provided such checks that no harm could be done by it—that the Archbishops and the Church Building Commissioners had a veto upon the application of its provisions to a particular case. But it must be remembered that the powers of the Church Building Commissioners would expire in two years, according to the measure before their Lordships; so that one of those checks would thereby be taken away, and then the only check left would be that of the Primate. Now only last night matter had been discussed in the presence of his Grace, who then stated his objection to the power of assenting or dissenting being left in the hands of persons in his position, who would necessarily have to trust to the representations made from the particular locality, and he said that Parliament had no right to throw upon them such a responsibility. He (the Bishop of Oxford) could not see that any inconvenience would arise to all these cities and towns if they were called on to wait till the result of a year's experience of the measure had been ascertained upon a confined area; and therefore he thought it would be most in accordance with the caution of their Lordships' ordinary legislation to limit the operation of this principle to the City of London in the first instance.

THE BISHOP OF LONDON said, with regard to the checks imposed by this Bill, it was quite true that, as the law now stood, the powers of the Church Building Commissioners would expire at no distant period; but he ventured to say that if the functions of those Commissioners were put an end to, another body with similar powers must be constituted, as the multifarious duties confided to the Commissioners were such as it would be impossible for them to fulfil within the limited time given in the Bill upon their Lordships' table; and they were engaged in a great extent and variety of operations with regard to church buildings which must be intrusted to some body. Although he had himself been a Church Building Commissioner for the last thirty years, he said with great confidence that a better body than those Commissioners could not be intrusted with the same duties. Thus the check afforded by the veto given to these Commissioners, if that body were done away with, would have to be transferred to the body who took their place, and would therefore still continue in existence. With respect to the check to be given to the bishop of the diocese, it was quite true also that it might not be expedient to leave the power altogether in the hands of one individual; and it might perhaps be right to interpose the authority of the Secretary of State. Some check, however, must be provided; and he confessed, therefore, that he did not see the force of the argument urged against the proposition on this head. His right rev. Friend (the Bishop of Oxford), in stating his objections to the general application of the Bill, had based one of those objections on the necessity of keeping up a diversity in the manner of performing the Church services. Now, in his (the Bishop of London's) opinion, so far from it being desirable that there should be a different mode of performing the service in each of several churches, it was most desirable that there should be a greater uniformity; for he believed, without recommending too rigid or strict a rule in this respect, that greater uniformity in the service of the different churches would be calculated to give the Church a greater hold upon the affections of the people. It did not necessarily follow, when the congregations of two churches were united, that in the church which was retained divine service would be performed in a different manner from that in which it had been celebrated in the church which was removed, or that there would not, at all events, be a disposition on the part of the incumbent of the church to which a new congregation was transferred to meet their wishes so far as he could do so consistently with his sense of duty. He looked, therefore, upon the argument grounded upon the assumed necessity for this diversity as being untenable, and, therefore, that there was no substantial reason for continuing supernumerary churches either in the metropolis or in some of the larger cities of the country. As far as he was personally concerned, he would be content that the measure should be confined to the City of London as originally intended; but he had learnt from several right rev. Prelates that in their cathedral cities a similar inconvenience to that existing in London was felt, from there being a superfluous number of churches in particular districts, and a deficiency of church accommodation in other localities, where there was a large population. The object of this Bill was not merely to combine two or three churches into one, but to provide a competent maintenance for the clergy. He thought their Lordships would allow that if there were two or three small parishes, the incumbents of which received incomes of less than 150*l.* a year each, and 400 or 500 of population, it would be a better arrangement that the incomes should be consolidated, and the churches themselves united into one, and an active incumbent appointed, with one or two curates, who would attend to the spiritual wants of the inhabitants of the united parishes more efficiently than the poor incumbents. This he regarded as one of the most important objects of this Bill. His right rev. Friend said this Bill introduced a new principle. Under the authority of the Legislature, however, ground set apart in ancient times, and dedicated to the worship of God and Christian burial, in a particular parish, had been taken, as it were, from the Church's property, and converted to secular purposes, for the promotion of great public improvements. But what could be an object of greater public importance than to make a provision for the spiritual destitution of thousands of perishing sinners crowded in suburban districts where no means of pastoral superintendence or places of public worship existed? As regarded any new principle, he made bold to say that what the Church did under the authority of the Legislature, the Legislature might be considered to do; but he could not for a moment admit that because Parliament gave authority to those most interested in the work of supplying the spiritual wants of the people to carry into effect its wishes, that therefore the Church committed a breach of its trust by acting upon the principle now under discussion. Where the Church desired to do its work more effectually, and to do this had incidentally to remove some of its ancient landmarks, for which it had to call in the authority of the Legislature, he held that no new principle, and certainly no dangerous principle, was thereby introduced. On the contrary, he thought it a great protection, for which the Church had reason to be thankful, that the Legislature did not interfere with its single-handed authority to effect directly the object in view without the intervention of the Church, but authorised the rulers of the Church, with certain checks upon their own discretion, to do what the interests of the Church manifestly required. There were provincial towns to which he considered the provisions of this Bill might be applied to very great advantage. With regard to the city of Norwich, he could speak from personal knowledge; and he had no hesitation in expressing his conviction that in many cases it would be for the interests of the Church if the churches were united; the clergy would be better provided for, and ample church accommodation secured to the parishioners; and no doubt the ministers would be better able to discharge their duties to the flocks committed to their charge. As far as he was concerned, however, he only interested himself about the City of London, and he said, so far from this being an iconoclastic proposal, it was eminently a church extension measure, and one to be applied for the benefit of the Church. If, from other sources, they could obtain the means of building new churches where they were wanted, it might perhaps be objected that they were about to interfere unnecessarily with consecrated edifices; but even if they could otherwise obtain the needful means for building the new churches, he was not disposed to deny that it might not be better in some cases to unite the smaller parishes, and introduce a more extended and active ministry into the City of London. A great portion of the population of the City had of late years migrated to the suburbs, and he was of opinion that those persons who were now called on to pay tithes in the City of London, and who were reaping the benefits of the enlarged commerce of that great emporium, ought not to complain if part of the present stipends were applied for the spiritual advantage of their workpeople, who mostly lived in districts beyond the limits of the City. It had been stated, on a former occasion, by a noble Friend of his, that there was a sufficient number of poor in the metropolis to fill the churches, and that the reason the poor were so seldom seen in them was that the City churches were filled with large square pews, which were locked up, so that the poor could not enter them. He could state that that was really not the case. He had made inquiries, and had received reports from numerous parishes, that there were no pews locked up, and that there was no difficulty in obtaining access to them; that seats were provided for the poorer inhabitants of the parishes more than sufficient to accommodate the whole number of poor resident there. The people who attended church resident in the City of London were very few. The merchants, bankers, and great traders went away every Saturday, and returned on Monday to business. They had few or no domestic servants in the City, and their *employés* lived at a distance; the only persons left upon their premises were porters, who had charge of the warehouses and shops, and who could not, if they would, be constant attendants at church. It was for this reason that so few worshippers were to be found in many of the City churches on Sunday. True, certain of the City churches were pretty well attended, and he believed that would always be the case where the parishes were sufficiently large, and where the clergy did their duty; but, however able or active a clergyman might be, he could not have a full congregation of his own parishioners where there were not parishioners to form a congregation. He said, then, that by assenting to this measure they would consult the best interests of the Church, violate no sacred principle, greatly strengthen the Established Church, and encourage the building of new churches. He would allude to another objection against the measure. It had been asked whether it was likely that persons would contribute to the building of new churches when it was possible that, after the lapse of some years, such churches might be pulled down, and the ground upon which they were erected might be sold for secular purposes. He (the Bishop of London) was not afraid that the churches which benevolent individuals would be likely to build would be erected in places where it was possible that their demolition should happen in any foreseen period of time. If such persons built churches, they would build them in populous districts where more were wanted than already existed; and to talk of their apprehending that the edifices would be pulled down unless the locality was turned into a desert and the population migrated, was really to conjure up a phantom to paralyse the efforts of those who would otherwise contribute to a good work. He had not the slightest apprehension that this measure would discourage church building. The spirit of church building had happily been excited throughout the country, and had manifested itself in numerous instances, not only in his own diocese, but in the manufacturing districts. It might be gratifying to their Lordships to know that he himself had been instrumental in building eighty-three churches in the metropolis, twelve of which had been erected entirely at the cost of private individuals. He hoped, if his life were spared a few years longer, to complete at least his century of metropolitan churches; and he was persuaded their Lordships would render him most important facilities in accomplishing that object by assenting to the present Bill.

THE BISHOP OF LINCOLN concurred with the right rev. Prelate who had just sat down, that great spiritual destitution might be occasioned by the maintenance of numerous inefficiently endowed churches.

The condition of the city of Lincoln, in this respect, closely resembled that of the City of London. Lincoln contained 17,000 inhabitants and had thirteen small churches, the largest of which afforded sittings to 600 persons; and the clerical income of the thirteen incumbents was 1,380*l.* a year, or an average of something more than 100*l.* each. Those among their Lordships who were acquainted with small parishes would know under what very great disadvantages the worship of the Church must be carried on in these circumstances. He conceived that a great number of small churches that were ill endowed weakened the efficiency of the Church's ministration, while there were other overgrown and populous districts suffering under great spiritual destitution. At the same time it was obvious that few of the clergy would be parties to the pulling down of superfluous churches, even to provide church accommodation elsewhere where it was most wanted, unless it was done under the conviction that it would enable them to remedy greater evils; and, of course, whenever it was done, it should take place under sufficiently stringent safeguards. It might, perhaps, be questionable whether the checks contained in this Bill were sufficiently stringent, but he thought it most desirable that the operation of the measure should be extended to the few places where interference was necessary. The right rev. Prelate below him (the Bishop of Oxford) had suggested that the experiment should be tried in the City of London before the measure was applied to provincial cities and towns. It had been said, "*Fiat experimentum in corpore vili;*" but the right rev. Prelate would first try the effects of the Bill upon millions, and afterwards upon the less populated districts; but surely if the experiment was allowable in the metropolis, it was allowable in the few other cases in which it could be adopted. It must be remembered that the provisions of the Bill could not be carried out immediately, for lives must drop in, and other contingencies must occur before parishes and endowments could be united.

THE BISHOP OF ROCHESTER addressed a few words to their Lordships which were inaudible.

THE EARL OF POWIS said, that this proposition was not a new experiment to render the Church more elastic, but a retrogression to the system of plurality prevalent in former days. They ought not to break down the law, which had worked satisfactorily for fourteen years in the prevention of pluralism, but to adopt the Amendment of his noble Friend, and limit the operation of this measure to the cities of London and Westminster, and those few towns and cities where it might be expedient. If there were places to which the provision was applicable, there could be no difficulty in naming them in a schedule. The fact was, this was one of those measures that were framed for the metropolis and its vicinity, and then extended over the whole of England without sufficient inquiry as to its general applicability. The causes of the falling off in the congregations were often pluralities and the system of pew-rents; but this Bill called on them to undo the work of the last fifty years in regard to church extension. They ought to take care that in their endeavour to obtain a competency for the clergy by uniting several livings, they did not destroy all stimulus to individual exertion, and check those efforts of private munificence in church building which the noble Earl at the head of the Government had illustrated on the previous evening.

THE BISHOP OF LONDON hoped he had not been misunderstood in what he had said respecting the observations of his right rev. Friend (the Bishop of Oxford) as to the different modes of performing divine service in the Church of England. He had not meant to represent his right rev. Friend as having said that he approved that difference; but what his right rev. Friend had said was, that the taste of persons as to the performance of religious worship varied materially, and that the Church of England allowed considerable latitude with respect to the celebration of divine service. His right rev. Friend meant merely to suggest that fair scope should be allowed for a legitimate diversity, and not that that diversity should be carried to an extravagant length.

EARL FITZWILLIAM said, he considered that their Lordships would act wisely in adopting the Amendment of the noble Earl. He was the more disposed to take that course from what had fallen from a right rev. Bishop (the Bishop of Lincoln), whose addition to the Bench every one in the House must rejoice at, but in whose views he confessed, on the present occasion, he could not concur. That right rev. Prelate had told their Lordships that in the city of Lincoln there was a population of 17,000, and for those 17,000 there were thirteen churches. He was not quite sure whether the right rev. Prelate had stated it in his speech, but he understood that he looked to a considerable decrease in the number of churches. Unless, however, it could be shown that those churches were so circumstanced as to be ineffective, he did not see that it was desirable to diminish their number. Considering that, if fairly apportioned, there would be 1,200 or 1,300 persons to each church, he must be allowed to doubt whether there was at Lincoln a superabundance of church accommodation. He apprehended that no one would dispute that the City of London would derive great benefit from this Bill; but he did not think it was equally clear that it would be as beneficial to other towns. As it was the intention to trust the provisions of this Bill to the management of the respective diocesans, with the consent of the Ecclesiastical Commissioners, he must entertain a doubt whether it would not be better for Parliament to keep the control in its own hands, and inquire into each particular case according as the necessity arose. He was the more inclined to adopt that opinion from what had fallen from the right rev. the Bishop of Oxford, who seemed to think that diversity in the service of the churches was a very desirable thing, and that separate services should be kept up. Now, though he (Earl Fitzwilliam) was a liberal Churchman, he was not prepared to go that length. He should support the Amendment of the noble Earl.

The Bishop of OXFORD said, he thought that, as a portion of the remarks he had made had been misrepresented, both by his right rev. Friend (the Bishop of London) and by the noble Earl who had just sat down, it was necessary that he should offer some explanation. His right rev. Friend, with his usual candour, had acknowledged that in the heat of argument he had made a misrepresentation in some degree of what had fallen from him (the Bishop of Oxford), but as, notwithstanding the explanation of his right rev. Friend, that misrepresentation had been echoed by the noble Earl, the House would allow him to state what he did and what he did not say. He did not say he desired to see separate services in every church, or anything like it; but he said, and he repeated it, that the taste of men affected them with respect to religious worship as well as in other things; that the Church of England allowed a considerable diversity in the administration of the same service; that, in the rubric, for instance, she laid down a certain portion of the service to be said or sung; that one congregation greatly preferred, and thought it increased their devotion, to have it sung; that another congregation preferred to have it read; and that he thought it would be exceedingly unwise in any person—whether the clergyman of the parish, the bishop of the diocese, or other individual—to attempt, in those matters which the Church had left free, to obtrude on a religious congregation a mode of service which it disliked. His noble Friend on the cross-benches (Earl Fitzwilliam) said that he was a liberal Churchman; and he (the Bishop of Oxford) ventured to claim for himself, that if in this respect he differed from the noble Earl, it was in being a still more liberal Churchman. In matters indifferent it was his maxim to advise his clergy to endeavour to ascertain the way in which the people wished to have the service performed within the limits allowed by the Church of England, to act with them, and not to violate their opinions. That was his view of this matter, and he had never yet heard any arguments which could induce him to change his opinion. It was because he believed that the doing away with churches would have a tendency to violate these opinions, that he had used the arguments he had offered. To remove a person who had been accustomed to a small church with a quiet service, and that quietness of preaching that commonly belonged to it, to a populous church, with a large congregation and all the adjuncts of music, and a particular style of preaching, was, to him, a serious and real evil; and it was because he desired the utmost liberty within the limits of the Church of England, that he always ventured to use the argument.

The Earl of HARROWBY thought the question involved by the Amendment was, whether they would confine the remedy to one place. His noble Friend on the cross-benches said he should not like to trust the Bishops with the measure; but, in his opinion, the Bishops were far more likely to carry it out in a conservative spirit than otherwise. He was afraid that, if they were to carry out this principle of consulting the tastes of individuals, they would have to have several services a day in each church. In reply to the argument that the operation of this Act ought at first to be confined to the cities of London and Westminster as an experiment, he said that no experiment was needed, the fact on which it was proposed by this Bill to legislate being well known and ascertained. If, however, it would suit the views of his noble Friend (Earl Nelson), he had no objection, between that time and the time the report came before the House, to embody in the schedule the names of the places to which the principles of the measure should be applied, which, it appeared to him, would do away with the objection.

Earl NELSON said, that this would not satisfy him. The measure might operate very well in London, where they were told that there were many parish-churches without congregations, but would it be equally beneficial in other places, such as Lincoln, for instance? They ought to have very strong grounds before they proceeded to destroy any church, and it would not be sufficient to say that it was more agreeable to change a particular church to this or that district. Under all the circumstances of the case, he should press the Amendment.

On Question, "That the words proposed to be left out stand part of the Clause," their Lordships *divided*:—Content 28; Not content 27: Majority 1.

Clause *agreed to;* the remaining clauses *agreed to;* Amendments made; the Report thereof to be received on *Friday* next.

House resumed.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, May 12, 1854.

Minutes.] Public Bills.—1° Excise Duties.
2° Registration of Births, &c. (Scotland).
3° Railway and Canal Traffic Regulation; Witnesses.

AGRICULTURAL LECTURES (IRELAND)—QUESTION.

Mr. F. SCULLY said, he begged to ask the Chief Secretary for Ireland if it were proposed to continue the grant of 500*l*. for provincial lectures in Ireland, hitherto made through the Royal Dublin Society, and if so, what change was to be made in the distribution?

Sir JOHN YOUNG said, that certain changes had taken place in the administration of the educational grants for this country, and corresponding changes had to be made in the grants for Ireland. In the correspondence which had taken place, it appeared that the Board of Trade recommended an increase instead of a diminution of the remuneration for the lectures referred to. There were at present professors of botany, chemistry, geology, and mineralogy, and they were employed in Ireland at a salary of 150*l*. each. It was now proposed to place these professors under the superintendence of the Board of Trade, and increase their salaries from 150*l*. to 200*l*. per annum, and in addition give them a share of the fees which would be received from the students. It was also intended to extend to the provincial towns in Ireland these branches of industrial education.

EDUCATION (SCOTLAND) BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. STIRLING said, he felt bound to move the Amendment of which he had given notice, that the Bill be read a second time on that day six months. He was compelled to oppose the measure with great regret, because he thought that many of its provisions would have effected a great improvement in the existing law. He, and those hon. Gentlemen who acted with him, had waited upon the right hon. and learned Lord Advocate and upon the head of the Government, and proposed that if the connection between the parish schools and the Church which now existed were allowed to remain, they would support any reasonable reform in those schools, and would not oppose the educational experiment it was intended to try; but as the Government had not agreed to their proposal, they believed that the rejection of the Bill would best serve the interests of education in Scotland, as it would enable the country to give a more mature consideration to that important subject. The right hon. and learned Lord Advocate had not given an answer to one important question which lay at the root of all legislation—namely, whether there was any necessity for passing a measure which went to such an extent as this Bill? It was certainly the general opinion that Scotland was a well-educated country; and, although the system of education was not perfect, it was not very defective as compared with that of other countries. In proof of this, he might refer to the names of many men of whom Scotland was justly proud, and who owed their success in life to the good education they had received in the parish schools, but he preferred to mention a fact which he thought was illustrative of the educational reputation of that country. He had read a letter a year or two ago in the *Times* from a settler in Australia, describing the arrival of an emigrant ship at one of the ports, in which the writer stated that every one who looked like a farm servant was immediately surrounded by bidders, but that those who wore a Scotch bonnet were absolutely mobbed. This was a proof of the estimation in which the superior moral training of the Scotch was held. Although England had lately made great progress in education, the Census which had been lately laid on the table of the House showed that Scotland still preserved her superiority in this respect. He found that the educational average for England, which Sir James Kay Shuttleworth pronounced to be a fair one, was 1 in 8·36, whereas for Scotland it was considerably higher, being 1 in 7. He did not think, therefore, that Scotland had any reason to be ashamed of the result of its educational statistics, and there could be no doubt that the system established in that country, both as regarded parish schools and private seminaries of all sorts, was one full of vitality, and which had received a great impulse from recent events. Within a few years the Free Church had arisen with her 712 schools; the Established Church possessed 905 private schools, independent of the parish schools; the cause of education had also been much advanced by the Privy Council grants, and the Episcopal Church of Scotland, which, as he had been informed by one of the prelates of that Church, possessed, ten years ago, only twelve schools, now numbered ninety-three. A system which had produced these results could not be so defective as to stand in need of a very sweeping measure of reform, and, although there were certainly many deficiencies with regard to our great towns, that was not the fault of the parochial system. He concurred in the statement of the right hon. and learned Lord Advocate, that our great towns contained a mass of inhabitants steeped in ignorance and vice, among whom the schoolmaster ought to be sent; but this Bill provided no machinery for getting at those classes which needed schools the most, and frequented them the least. A rev. gentleman at Glasgow had told him that he did not so much want schools as the power of compelling children to attend them, and they might as well try to satisfy the wants of hunger by multiplying bakers' shops as to spread education by multiplying schools. The parochial schools, which were much interested in this measure, were institutions of which the country was justly proud; their constitution ought to be jealously guarded, and if they were to be reformed, it ought to be done with a careful hand, but they ought not to be swept with such a besom of destruction as he considered this Bill to be. They were no doubt capable of improvement, as the schoolmasters were underpaid, and their salaries would be still more reduced by the operation of a recent law; retiring pensions ought to be granted to them, and the efficiency of the schools would also be greatly promoted, if they were every year inspected by a Government inspector, who would lay Reports of their condition before Parliament. He was opposed to the severance of the connection of the schools with the Church, which was the main feature of the Bill. He would not argue the question between religious and secular education, upon which he thought there would not be much difference of opinion among the Scotch Members, and, although there was a large and respectable body in Scotland in favour of secular education, the majority of the people would agree with the Lord Advocate, that the schoolmaster who threw away religion would throw away his best weapon. He did not believe it was the intention of his right hon. and learned Friend (the Lord Advocate) to weaken the religious element in the schools, but he had provided for it in a somewhat clumsy manner, and he (Mr. Stirling) must contend that some guarantee should be provided as to the quality of the education. He also thought that the connection between the parochial schools and the Church, which had existed with advantage to the country for so long a time, should be left as it was. He had lately been in communication with many clergymen on this point, and it was but due to them to say that their views in reference to it appeared to be most reasonable. As an instance, he had heard but one opinion as to the advantage it would be to have a Government inspector associated with them in the control of the schools. Some there were who said, in regard to another provision of the

Bill, it was not fair to plunge your hand so deeply into the public purse for sectarian purposes. He denied that the parochial schools were sectarian, but if they were sectarian to the utmost possible degree, he would still say that they would not be doing wrong in getting the money in the way proposed. If they were doing anything wrong in that, at least they would not be doing a new wrong; for during many years that House had been granting money to schools, the masters of which were sectarian, and the teaching in which was strictly sectarian. He objected, however, to the proposed distribution of the money. There were about 1,000 parochial schools in Scotland, and the right hon. and learned Lord asked the House to endow each of those schools with 16*l.* a year, and to allow about 2,500*l.* for retired masters, making a total annual grant of 18,500*l.* This was really a very small sum compared with those vast amounts with which that House was in the habit of dealing, and he really thought that the right hon. and learned Lord might have asked for that sum without clogging it with any offensive conditions. If he had come forward and asked what sum he deemed equivalent for schools connected with the dissenting bodies, he (Mr. Stirling) thought the claims of those excellent institutions would have been as cheerfully admitted on his (the Opposition) side of the House as they could be on the other. It was argued in some quarters that the superintendence of the presbyteries over the schools had been exercised in so lax a manner that it was quite time to get rid of so inefficient and vicious a system. It was true that some years ago the Church of Scotland had been so much occupied with its political and polemical differences that many of the best men in it had neglected their important educational duties. Since that event, however, the Free Church had arisen, their educational fund had been created, and excellent schools had been established. The Church, also, had been aroused to fresh energies, so that the state of things of which Dr. Guthrie had complained was in reality, at the present moment, but a vision of the past. That being so, he very much regretted that the right hon. and learned Lord should have lent the aid of his powerful name, or, at all events, should have appeared to have lent it, to a charge which, if true once, was true no longer. The right hon. and learned Lord had said, in an admirable speech on a previous occasion, that it was quite notorious that under the superintendence of the presbytery the parish schools had in many instances been debased and degraded beyond imagination. If those words implied a grave charge against living men, he submitted that they ought to have been substantiated. If, on the other hand, they had been used in an historical sense,—a sense in which he admitted that they might have been used with much propriety—he thought it would have been well that that sense should have been made clear. He was of opinion that there did not exist sufficient data on which legislation should proceed upon a subject of this importance, and he observed that this was the opinion which had prevailed at most of the meetings which had been convened for the consideration of this matter. He begged to mention all the sources of information which were to be met with in the Library of the House upon the subject of Scotch education. There were just three documents in all:—1st, the Reports of the Inspectors, which only glanced at Scotch schools incidentally; 2ndly, there was the body of evidence taken before the Lords' Committee in 1845, who, he believed, did not finish the collection of evidence, or who, at all events, made no Report; 3rdly, there was the Census paper which had lately been furnished, and he believed he was correct in saying that that was all the information which existed on the subject. Upon this point he might also call into court the Lord Advocate himself as a witness, for the right hon. and learned Lord had told them, in his admirable and eloquent speech, that the Educational Board which he proposed to appoint should be employed for the first two years of its existence in making an educational survey of Scotland. An educational survey and an educational inquiry appeared to him to be very much the same thing, and he suggested that it would be highly inexpedient for the cart of legislation to precede the horse of inquiry. He would admit that the system of education in Scotland could not be strictly termed "national," but it was a system under which the poorest parent might, if really earnest in the matter, obtain for his children a good secular and religious instruction. He must deny that the boasted national system would be likely to do more than that. It was very true that "a system of national education" was a fine high-sounding name, but he trusted that the House, and still less the representatives of Scotland, would not be led away by fine names to depreciate a system which had worked efficiently and well.

The Earl of DALKEITH seconded the Amendment, and said, that, in the first place, he wished to disclaim being actuated by any party or political motives, and must express his regret that on the first occasion on which he addressed the House, it should be his duty to oppose a measure brought forward by a Government of which the noble Earl (the Earl of Aberdeen) was the head. He was determined in the course he proposed to take solely by a consideration of the practical results of the present system. Although himself a member of the Church of England, he thought it could not be denied that the practical results of the existing parochial system in connection with the Church of Scotland had been attended with satisfactory results as regarded the education of the people of Scotland; and he could not but think it would be most unwise on the part of the Legislature to destroy a system which had worked so well, for the purpose of substituting in its stead a plan founded entirely on theory. He did not, of course, mean to contend that the parochial system was not capable of amendment; he believed, on the contrary, that it might be much improved, and he would give his support to any measures which should be proposed for the improvement of education in Scotland, which were consistent with the principles of the present system. The preamble of the Bill of the Lord Advocate affirmed that the superintendence of the Church of Scotland over the education of the people had been defective, and that for that reason the Church should not have the same amount of control as heretofore. But he (the Earl of Dalkeith) was not prepared to admit that the system of superintendence by the Church was in itself defective because it might not have been effectively carried out; on the contrary, he believed that the people of Scotland were satisfied with the present system, and a declaration to that effect had been signed by upwards of 2,000 landed proprietors of Scotland, and in nineteen out of twenty-two counties where meetings had been held on the subject, a decided opinion had been expressed against the present measure, two had given no opinion at all, and only one had passed a resolution in favour of the principles of the Lord Advocate's Bill. In truth, the people of Scotland were satisfied with the present system, and with the education their children received, and were all but unanimous in their opposition to the proposed change. Moreover, he did not think the House had anything like adequate proof of the alleged defectiveness of the superintendence of the Church over the parochial schools; and he said again that, while he thought the parochial schools were capable of improvement, and that the superintendence of the Church might have been in some degree inefficient, still the system was defective in itself. Again, in the preamble to the Bill there was no reference whatever to the religion that was to be taught in the schools, or whether religion was to be taught at all, nor was there any reference to any test of religious belief that was to be imposed upon the teachers—so that for aught he knew the Roman Catholics and all the different sects in Scotland might be mixed up together. The House must not understand that the parochial schools as they existed at present were purely sectarian—on the contrary, the children of parents of all religious denominations had always attended these schools, and he believed no parent had ever raised an objection on the score of the religious instruction his children received there. He was perfectly ready to concur in any improvements which might be suggested in the parochial schools consistent with the principles of the present system; but he would ask the House to pause before they abolished a system which, upon the whole, had answered so well, which had been in existence for so long a period, and which had raised Scotland to that proud position as an educated nation, which she held among the civilised nations of the world, in order to substitute for it an untried and purely theoretical scheme. On these grounds he objected to the Bill which had been introduced by the Lord Advocate, and had been induced to second the Motion of the hon. Member for Perthshire.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words, "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

Lord ELCHO said, he regretted very much that his hon. Friend opposite (Mr. Stirling), whose name stood so deservedly high in the literary world, should have commenced his career by the exhibition of such illiberality as prompted him that evening to propose the rejection of this measure. He (Lord Elcho) regretted much likewise that his noble Friend who seconded the Amendment (the Earl of Dalkeith) had placed himself also in a position of hostility to the measure. While he lamented the position taken up by the hon. Gentleman and noble Lord who had moved and seconded the Amendment, he considered that position untenable; for while they spoke of the deficiency of the present educational system, they yet called on the Government to maintain the parochial school system which had already failed, and had led to the necessity of introducing the present measure. Both the hon. Members had stated that the parochial schools had been of essential benefit, and this no one acquainted with Scotland would deny. It was under this system that Scotchmen had become what they were—it was from this system that they had learnt both their duty towards God and man; but when the hon. Member for Perthshire (Mr. Stirling) stated that these schools were of an unsectarian character, on this point he (Lord Elcho) must beg to differ from him; and though he admitted that the teaching was unsectarian, and that the doors of the schools stood open to all comers, still he thought no one acquainted with the constitution of these schools would be prepared to maintain that it was not essentially sectarian. The Government did not seek to effect, as had been stated, rudely to overthrow these parochial schools, but was anxious to introduce into their constitution such alterations as would bring them into harmony with the altered circumstances of the times in which we lived, and bring them back to that for which they were originally intended—namely, as public schools for Presbyterian Scotland; and this it was which the present Bill sought to effect. While adverting to the objections made to the present Bill, he wished to say that in his remarks he was not actuated by any feeling of hostility towards the Church of Scotland. He entertained for that Establishment the highest respect, and readily admitted the great benefits which had been derived from it. Such being his feelings, he would never have been a participator in any measure which had for its object the overthrow of that Establishment, or which would in any way impair its efficiency or endanger its position. He begged to call the attention of the House to the difficulties which surrounded the question of education in Scotland; and though it was generally admitted that something should be done, yet great were the differences as to what that something should be. Having given much attention to this subject, and read all that had of late been written on it, it appeared to him that there were but three ways in which they could hope to establish a system of education in Scotland. The first of these modes was to establish and extend the system which already existed, which was separate and denominational in its character, and supported to some extent by Privy Council grants. The second mode was to establish schools in which religious was separated from secular instruction; and a third mode was to establish a system of national education upon a religious basis, similar to that proposed by the present Bill. With respect to the first system, there were several objections which appeared to him to be fatal ones. The system of Privy Council grants was founded essentially upon sectarian principles, and its operation was, in effect, to increase the evil, while in the poorer parts of the country, where a smaller amount of funds was raised, and where Government assistance was most required, the system of necessity worked imperfectly, and the least amount of money was expended in instruction. Another, and a still stronger assertion was, that the system had been tried, and found wanting; and it was that which the present Bill mainly sought to remedy. With reference to the secular system, which its advocates maintained was the only one worthy to be called national, though he (Lord Elcho) thought that system most deserving of the term "national" which brought within its pale the largest number of people—with reference to this system, the present state of feeling on it must be borne in mind; for though the people of Scotland were divided on all other points, yet they were determined that in their public schools religious and secular instruction should not be dissociated. If in neither of these schemes they could find a solution of their difficulties, they must seek for it in the system proposed by the present Bill—a united system on a religious basis—that religious basis being the religion of nine-tenths of the people of Scotland. If the present Bill were to be judged of by the speeches which had been made, persons unacquainted with its provisions would be led to conclude that it entirely overthrew the parochial school system, and established one which a rev. gentleman had said would be a system of education without God and schools without religion; but nothing could be further from the truth than these assertions. The hon. Member who had moved the Amendment said that religion was not neglected by the provisions of the Bill, though the clauses were clumsily drawn. It must also be remembered that under this Bill the minister of the parish remained a member of the parish school board, and the preamble recited, with reference to religious instruction—

> "And whereas instruction in the principles of religious knowledge and the reading of the Holy Scriptures, as heretofore in use in parochial and other schools in that country, are consonant to the opinions and religious profession of the great body of the people."

In consequence of this, it is provided by the 27th clause—

> "That every school committee under this Act shall appoint certain stated hours for ordinary religious instruction by the master, at which children shall not be bound to attend if their parents or guardians object, and no additional or separate charge shall be made in respect of the attendance of children at such separate hours."

And, further, by the 17th clause it is declared—

> "That of the school committee the minister of such parish shall in every such case only be an additional and *ex officio* member."

Such were the provisions made in the Bill for religious education, and, in the face of these, he did not see how it could be asserted that the interests of religion were neglected. The chief objections to the Bill, he apprehended, were those advanced by the Established Church as to the removal of the superintendence of the presbytery and the abolishment of tests. With regard to the superintendence of the presbytery, he would not say it had not, as far as it was enabled so to do, performed its duties; but, under the existing state of the law, it was impossible for it efficiently to perform those duties. It was true that the presbytery had the power of examining the teachers, of administering the tests, and of annually visiting the schools; but they could have nothing to say as to the appointment of masters or teachers; they could not prescribe the books which were to be used, or the nature of the instruction to be given. Then, again, as to their powers of removal of teachers, these were practically found to be a dead letter, for in the Report of the Education Committee of the General Assembly it was stated—

> "That where the teacher is old, disabled, or incompetent, endeavours have generally been made, without success, to procure his retirement. In such cases, the Parish School Law affords no remedy."

It appeared, therefore, that however zealous the presbytery might be in the performance of their duties, still, from the limited nature of their powers, it was impossible that such a system could be efficient, and it was on this account that the right hon. and learned Lord Advocate had abolished the superintendence of presbytery, and established in its stead a Board of Education. He could not agree with those who regarded the parish schools as mere appendages of the church; and, as to overthrowing them, he begged to call attention to the fact, that the election of the parochial schoolmaster would remain, as heretofore, with the ministers and heritors of the parish. As to the other objection advanced by the Established Church regarding the abolition of tests, they must, in viewing them, look at the history of the times in which they arose, in order to judge of their bearing on parochial schools. They would find that tests were established for the purpose of maintaining and securing the Presbyterian faith, and would any one now pretend that it would be endangered by their abolition? It was with a view of excluding the Episcopalians that in 1690 the Test Act was obtained, and afterwards introduced in the Act of Security and the Treaty of Union, and he thought that the present Bill, by providing for the selection of schoolmasters from the other Presbyterian sects of Scotland as well as from the Established Church, did not by so doing infringe either the spirit of the framers of former Acts or the Treaty of Union. They could not now maintain tests in the public schools of Scotland, under present circumstances, in proof of which he begged to cite the following from the Census religious statistics, from which it would be found that the number of attendants at public worship on Sunday, March 30, 1851, were—

> "Established Church, 228,757; Free Church, 255,482; United Presbyterian, 143,443; and, including an estimate for returns not sent in, Established Church, 351,454; Free Church, 292,308; United Presbyterian, 159,191. In the following counties the contrasts would be found to be still more striking:—Attendants at worship, March 30, 1851, in Edinburgh—Established Church, 15,264; Free Church, 18,858. Aberdeen — Established Church, 20,252; Free Church, 23,631. Argyll—

Established Church, 4,238; Free Church, 6,305. Lanark — Established Church, 24,539; Free Church, 26,097. Perth — Established Church, 14,313; Free Church, 17,096. Caithness—Established Church, 442; Free Church, 6,779. Bute—Established Church, 1,457; Free Church, 3,691. Renfrew — Established Church, 8,987; Free Church, 12,344. Inverness—Established Church, 3,790; Free Church, 10,583. Sutherland—Established Church, 255; Free Church, 6,723. Ross and Cromarty—Established Church, 1,411; Free Church, 20,237."

He would ask the House whether, in the face of such statistics as these, they could maintain exclusive tests? The abolition of tests was called for by reason, justice, and policy, no less than by the interests of the Established Church; for it must be evident that tests, so long as they were maintained, must prove a source of bad blood and ill-feeling, so that it was for the interests of the Church of Scotland that the change should take place—a change to which it could consistently agree, and without making any sacrifice of principle, because under the provisions of this Bill was found ample security for all that Church should seek—the establishment of a religious education. Objections had also been made to the Bill from an extreme portion of those who in Scotland held voluntary principles, who, rather than agree to the religious provisions of this Bill, would prefer that religion should be entirely separated from secular instruction in the schools under this Bill. He wished them to consider whether, in pressing their own views, they were prepared to enforce this separation, and so outrage the views and the opinions of three-fourths of the people of Scotland. He trusted, however, that this party would be induced to support the Bill on the ground that, though it fell short of their views, still it was a great improvement on the present system. As to the objections raised by Episcopalians and Roman Catholics, he thought that these might be satisfactorily met. He, as an Episcopalian, of course, felt deeply interested in all that concerned that sect; and his votes in that House on Roman Catholic questions were proofs that he would never be a party to a Bill which made no provision for the education of Roman Catholic children. To meet the views of these parties the 36th clause would be struck out of the Bill, and in Committee every assistance would be given to his right hon. and learned Friend to make such provisions as would afford every security to Episcopalians and Roman Catholics that, when the Bill passed into law, they should not be placed in a worse position than they were before, though it was intended, if possible, to better their position. He had till now been dealing with the objections to the Bill. From this it was not to be thought that it was not also favourably regarded, for the Free Church, though not wholly satisfied with the Bill, yet considered, as it now stood, that it would form a good basis for future legislation, and they were anxious that it should pass the second reading. They had a large body in the Established Church who were not led astray upon this question—thinking men, who saw the evils with which we had to grapple, whose senses were not blunted by prejudice or party and sectarian feeling, and who, taking a deep interest in the welfare of their country, wished that this Bill should pass into a law rather than that there should be no measure carried at all. If he referred to the petitions, he found, by the last return, that there were 44,000 signatures in favour of the Bill, and 28,000 against it, and 10,000 for alterations; and if they added these 10,000 to the 44,000 in favour of the Bill—for it appeared to be not an unfair inference to do so, seeing that if they had been against the Bill they would have petitioned against it—it would be seen that the great preponderance was in favour of the measure. The convention of Royal Burghs had petitioned for the Bill, the only thing they required being, that the provisions with reference to religion should be made more stringent, and that the religion hitherto in use in the parochial schools should be practically embodied by enactment in the Bill. Therefore, though there was much opposition to the Bill, there was also a very large amount of public opinion in Scotland in its favour. This Bill had been criticised in a very partial and unfair spirit. In considering it, the people had been blinded by their prejudices and sectarian zeal, and, while they examined it line by line and word by word, and almost syllable by syllable, they had been led to condemn it unfairly, and had lost sight of that which was the main object of the Bill. Now, he thought such a question as this should have been approached in a very different spirit, because, unquestionably, the evil with which we had to deal was one of the greatest magnitude, and it was not denied by any party that there existed in Scotland, and especially in the large towns, a very great necessity for extending the means of education. The returns of the last Prisons' Report for Scotland, that of 1853, showed how inefficiently the population had been educated. Of a total of 21,336 prisoners, 4,388 could not read at all; 10,482 could only read with difficulty; 10,282 could not write at all; 539 could only sign their names; 8,360 could only write with difficulty. Of 438 prisoners who had been in the Model Prison at Perth three months and upwards, eighty-three, on admission, were unable to read at all; 175 could read with difficulty; 151 could not write at all; thirty-three could only sign their names; and 204 could write with difficulty. The chaplain appended to these facts the following statement—

> "As regards their moral and religious condition, the generality of the prisoners are, on admission, deplorably ignorant. Many of them, indeed, are insensate, and, humanly speaking, impervious to conviction. Notwithstanding, however, this their natural depravity of heart, their innate propensity to every evil, their intaught aversion to every good—the result of a Godless, Christless upbringing, it is gratifying, nevertheless, to observe the anxiety with which they, sooner or later, in the course of their confinement here, avail themselves of the many advantages they possess of acquiring religious knowledge."

The language in which his right hon. and learned Friend the Lord Advocate characterised the danger that threatened us from the growth of our criminal and uneducated population had in some quarters been characterised as exaggerated, but the sentiment of his right hon. and learned Friend had found an echo within the walls of the General Assembly itself; for Dr. Robertson, one of the ornaments of the Church of Scotland, in a speech of great liberality, which did credit alike to his head and heart, and which had been circulated among the Members of that House, spoke as follows—

> "We cannot disguise from ourselves the truth that, be the cause of the evil what it may, thousands, and even tens of thousands, are growing up in the midst of us, from youth to manhood, whose education is grievously neglected. For these masses of society nothing is done, either intellectually or morally, to fit them for the important place which they ought to occupy, and which, were they qualified for its duties and privileges, is waiting to receive them. In the degraded condition to which their parents have been reduced, it is scarcely too much to say, that the training which they receive is but fitted to make them pests and plagues of society."

Now, when the evil with which we had to deal was thus generally admitted—when words such as these came from the lips of the rev. gentleman and others in the Church of Scotland—surely it was our duty, as far as lay in our power, to reach these great evils; and he therefore hoped that the Members of that House, uninfluenced by sectarian or party feeling, would enable the Government to resist the Motion of his hon. Friend opposite, for he would say, not as a Member of the Government, and therefore deeply interested in the success of a measure brought in by them, but as a Scotsman who had the welfare of his country at heart, that he believed it would be an evil day for Scotland if the House of Commons rejected the Bill now upon its table.

Mr. C. BRUCE said, that if the noble Lord had gone on and read the whole of the speech of Dr. Robertson from which he had just given a quotation, he would have found what was the essential principle of this Bill characterised by Dr. Robertson in strong and expressive language. His noble Friend had stated truly that there was a great difference of opinion with respect to this Bill. As to the Free Church of Scotland, he believed they were almost unanimous in favour of the Bill; and there could be no doubt that since its secession the Free Church had done much to forward the cause of education in Scotland. Their schools were more numerous than they could probably well support; and, as they wished to see them kept up in a state of efficiency, they looked to the right hon. and learned Lord to take them under his care. On the other hand, the Bill was opposed by the Established Church, by nearly the whole of the landed proprietors of Scotland—at least, 2,000 of the most important of them had signed a petition to that effect—and also by those who held what was called "the voluntary principle." He found, in a resolution adopted by this last party, a statement to the effect, "that the measure contemplated is unsound in principle, hostile to liberty, and opposed to the Word of God." Certainly, with such views as these he could not wonder that they joined the Established Church in their opposition to this Bill. He did not deny the immense importance of this measure, and the greatness of the object which it had in view. As his right hon. Friend near him (Mr. Walpole) said, on the introduction of the Bill, it had a worthy and noble object, and the speech of the learned Lord on that occasion was characterised by such great ability and conceived in so good a spirit that it was impossible not to go along with it; but to extend to the Bill of the learned Lord the same favourable opinion that was extended to his speech must depend on the character of the Bill itself, and, besides, it must be proved that such an amount of deficiency in the means and in the machinery of education in Scotland existed as would justify the sweeping and extensive change proposed. In February he had moved for returns to ascertain what was the actual state of education in Scotland, but these returns he had been unable to obtain. The Census returns could not be relied upon as giving a just view of the religious and educational state of Scotland; and he did not at all wonder that the case should be so, for when they remembered the great tendency which existed among all ecclesiastical bodies to exaggerate their numbers and importance—and certainly the Free Church had not shown an example which ought to be followed in that respect—they could not but attach great suspicion to the statistics which had been laid on the table. He held in his hand an extract from a speech delivered by a distinguished clergyman of the Church of Scotland—he referred to the minister of Forgendenny—in which he stated that the number of schools specially connected with the Church of Scotland was 1,890; the total number specially or virtually connected with the Church of Scotland 2,959, including 258,698 scholars; while the total number of schools connected with the Free and dissenting churches were 875, with 77,443 scholars. There were, besides, of private schools, 838, with 57,215 scholars; and Mr. Wilson in this way showed that one-seventh of the population of Scotland was under education. The Census returns came to something very near the same result. The minister of Forgendenny proceeded to state that, of all the schools in the country, about two-thirds were either schools belonging to, or schools immediately connected with, the Established Church. The number of scholars attending the schools belonging to the Free Church was stated at 59,896, while the number attending the schools under the superintendence of the Established Church was stated at 258,698, showing an immense majority in favour of the latter. The House would see, therefore, that there was no disinclination on the part of the people of Scotland to receive education in the schools belonging to and connected with the Established Church, and that there was nothing in the present state of things which could justify them in abolishing a system which attached the parochial schools to the Established Church, on the ground that that connection was distasteful to the people of Scotland. So far, then, as the allegation of deficiency went, no sufficient reason could be shown for the proposition of Government. Before proceeding further, he must strongly protest against their making the hardships to which the parish schoolmasters would be exposed from the operation of the present law a ground for forcing upon the people and the Church of Scotland any such measure as that now proposed. He thought that would be a most unjust and ungenerous proceeding. The fact that the parish schoolmasters, from the working of the present law, would have their already too small salaries reduced by about one-third for the next twenty-five years, and that, too, at a time when the price of all articles of subsistence was rising, should induce a generous Government to make some better provision for those to whom the great and important work of education was intrusted. The opponents of the present Bill were desirous that a short measure should be introduced to fix the salaries of the schoolmasters for the next term at the maximum of the present rates, and he thought it would not be difficult in the same measure to make those alterations with respect to the pensioning of deserving teachers who, from ill health or other circumstances, were no longer able to discharge their duties satisfactorily, and to the dismissal of incompetent or immoral schoolmasters, which all admitted were necessary in the present system. They would then be in a position to take up the whole question, and to consider those means for extending education in Scotland which he was not prepared to say were not, in some places, absolutely required. He did not deny, when he saw it asserted on the authority of such a man as Dr. Guthrie, to whom the cause of education in the large towns of Scotland and among the most destitute of the population was so greatly indebted, that there was a deficiency of the means of education in the large towns, or that they ought to approach that subject with an earnest desire to remedy the evils of which Dr. Guthrie so justly complained. At the same time that he admitted this deficiency of educational means in the large towns, he might be permitted to mention a curious fact, which was stated to him by a gentleman of great respectability connected with the county of Edinburgh—namely, that he had been informed by the Inspector of the House of Correction in Edinburgh, that for the first year after the introduction of ragged schools into that city, the number of juvenile offences greatly diminished, but that, unhappily, for the last two years the number had greatly increased, and that the children who came back to him were children who had attended the ragged schools established by Dr. Guthrie. He did not mention that fact to damp their zeal in the cause of education or to persuade them not to do all they could to educate the destitute children of large towns. What he wished to show was, that mere education would not suffice to stem that tide of crime and immorality and infidelity by which our large towns were likely to be deluged. He believed that the sources of crime would not have existed to so great an extent as they did if they had extended the system of education followed in the parochial schools to the large towns; for crime and infidelity were much more the child of false wisdom than of brute ignorance; though, as he had already said, he was disposed to admit that there was a deficiency of the means even of ordinary education in the great towns, and was willing to do all he could to remedy that deficiency. They professed to desire the union of secular with religious education. Now, the parochial schools of Scotland had solved the problem of that union; it had shown that the two could be united. Why, then, should they interfere with a system which had worked so well and so long? The longer these schools existed the more their advantages seemed to be extended in Scotland; and he maintained that the parochial schools were never at any time more efficient than they were at the present moment, and they only wanted proper encouragement to be more efficient still. The average attendance at those schools was greater in point of numbers than the attendance at any other class of schools in Scotland; and, before they attempted to abolish them—before they tried to approximate them to a new system which circumstances of recent growth might induce them to establish—he thought they would do well to ascertain that the experiment which they wished to make was likely to produce as good results as those which Scotland already possessed. He did not deny that the new system might fairly be tried in the large towns, where there were difficulties to the extension of the parochial system, but he trusted that they would not attempt to extend it beyond the districts where it might appear to be wanted. Within such limits he was quite willing that they should try their new system with some modifications, because it would be necessary to have some test of the Christianity and Protestantism of the teachers in the new schools; but he was utterly at a loss to see why they should seek to interfere with the parish schools. They said they attached great value to the union of religious with secular instruction. In the parish schools they had that union; and they themselves acknowledged that the opinion of the people of Scotland was unanimous in favour of a combined religious and secular education. It was a strange way to show their respect for the opinions and feelings of the people of Scotland to propose to sweep away, not only the test taken by the schoolmaster, but the superintendence of the presbyteries, which gave them the only security they possessed for the teaching of religion in the national schools. He could not help thinking, when he remembered, on the one hand, the promises held out by those who advocated this measure, and, on the other hand, when he looked at the provisions of the measure itself, that in this case we were exemplifying the adage of "keeping the word of promise to the ear and breaking it to the hope." When they told him that they relied on their preamble, in which they gave a general acknowledgment to the advantages of the union of religious and secular instruction, he must say that theirs was not a preamble on which he should be disposed to rely, even if he were disposed to rely upon any preamble, which, without enacting clauses, was always a broken reed to lean upon; and as to the present measure, to do so would only be to rely upon the very worst part of the Bill. What were the terms of this preamble? In the first place, they cast a slur upon the presbyteries of the Church, which had not a shadow of truth for its foundation, by saying that their superintendence over the parochial schools was extremely defective. He received a letter the other day from a minister in Kircudbrightshire, in which the writer stated that the thirty days of the hardest work he had in the year were those in which he was engaged in the superintendence of schools; and that statement was fully confirmed by another clerical correspondent. In his own county (Morayshire) he knew that the superintendence of the parish minister and of the presbyteries was of the most efficient kind, and he was convinced, from what he had observed himself in various parts of Scotland, that the statement in the preamble was unjust and untrue. The preamble further stated that the union of religious with secular instruction was "consonant with the opinion of the people of Scotland." They did not rest it upon the duty and advantage of cultivating the religious and moral as well as the intellectual faculties of the people—upon the tendency of that union to elevate and improve the education given in the schools—upon what was due by a Christian nation to the Great Author of all knowledge—or upon what was due to man's immortality; but they rested it, forsooth, upon "the opinion of the people of Scotland." He thanked God that it was consonant with the opinion of the people of Scotland; but the ground upon which they put it would just be as applicable in Spain and Italy for the exclusion of the Bible, as in Scotland for the union of religious with secular instruction. Only let it be consonant with the opinion of a great majority of the people, and, no matter how gross the infidelity or debasing the superstition might be, they were bound, according to the principle stated in their preamble, to support and encourage it. But even if their preamble had offered to a great principle a juster and nobler homage, he would not even then have been disposed to rely upon it independent of any clause which gave force to its spirit. In considering such a measure as the present, it would be as well to look across the Atlantic, and see what America had done, and done without any such Bill or preamble as that now boasted of. No one would deny that the descendants of the Pilgrim Fathers were as anxious to combine religious with secular instruction as the Presbyterians of Scotland, and the Americans had not speculated, but acted in this matter, and their advances were at once practical and solid. While speaking of America in connection with this subject, he could not help recalling the parting address of that great man, who was almost as much an Englishman as he was an American, Washington, to the people of the United States in 1796, when he retired into private life after his second presidentship. On that occasion this great and wise man said:—

> "Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labour to subvert those great pillars of human happiness, those foremost props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for life, if the sense of religious obligation desert oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principles."

He did not mean to say that America had kept up religious instruction in the same way as Scotland had, for there was little doubt that in the former country the schools as established had, in a great many instances, been limited to secular education alone, the effect of which was, unfortunately, but too sternly felt throughout the country. He had no wish to enter into any great details on this part of the question, but would merely refer to an opinion of a very eminent and learned divine on the subject—he meant Dr. Edson, who was for twenty-seven years resident rector in the province of Lowell, and held in the highest estimation by every one who knew him. This clergyman expressed his conviction, based upon observation and experience, that the public school system had already undermined, to a great extent, the doctrines and principles of Christianity. That was the result of a system introduced in defiance of the warning words of Washington, and yet they were told to rely on the preamble of a Bill which placed the foundation of the system upon what was "consonant with the opinion of the people of Scotland." With the evidences of such a result among the religious people of America, he could not but feel very jealous of those parts of the Bill which abolished all tests for the religion of the teacher and all superintendence of the Church over the religious element of the school. If they supported the present Bill, they would be introducing a wedge which here, as in America, would very soon sever religious from secular instruction in the common schools of the people. He had no objection to the Bill so far as secular instruction was concerned; but in abolishing the superintendence of the presbyteries over the religious element, they were giving a great blow to the Established Church, which ought to be encouraged and supported in every possible way. That such a Bill should come from a Government presided over by Lord Aberdeen was indeed a matter of astonishment; and when he remembered that the Aberdeen Act was the Act which the Church of Scotland regarded as the foundation of its rights, he really thought that Church might turn round and say, "*Et tu Brute!*" He ventured to say that if the Free Church never had existed, the present Bill would never have been brought forward. Well, how did that Church act with respect to its own schools? Did it allow them to be examined by the ministers of the Established Church? Quite the reverse; and he might mention that in one parish in the north of Scotland a Free Church minister refused admission to the communion table to parents who would not consent to send their children to the Free Church school. Yet, at the instigation of the Free Church, they were asked to deal a heavy blow to the Established Church. He did not wish to say anything offensive to the learned Lord who introduced the Bill, but it was really one of the most impudent things he had ever seen attempted in that House. One great reason for attaching the parochial schools to the Established Church was, that they knew what the doctrines of the Church were. The Established Church, in fact, was the only body which gave them that security. Their doctrines were acknowledged by the State and embodied in Statutes, and when she ceased to hold them she would cease to be the Established Church. Who knew what changes might take place in the doctrines of the Free Church, or of any other dissenting body? The Presbyterians of England were rapidly becoming Socinians, and a similar change might take place among the Dissenters of Scotland. But it was said that the superintendence of the presbyteries might be abolished, because that of the parish minister was still to be retained. Supposing, however, that the minister became negligent and careless, what then? *Quis custodiet ipsos custodes?* He could not consent to fall back upon the general Board, the members of which might, for anything the Bill said, belong to any Church or to no Church at all. He could trust the presbyteries to see the superintendence properly carried out, but to the proposed Board he could trust absolutely nothing. He was quite willing to accept any other education in the place of the system we had at present, if it could be shown that the education to be substituted was in any way better than that we now had; but if it were not better—if it were only as good—he would say, "Leave us what we have, and do not place us in a position where we cannot be better and probably may be worse." He believed that the principle of the Bill was the separation of religious from secular instruction, and he was firmly convinced that if they introduced into Scotland a system which did not afford to parents a positive security for the Christianity and Protestantism of the education to be provided, they would find their schools fail; and if they introduced a system which would eventually lead to the separation of religious from secular instruction, they would confer a curse instead of a blessing upon the people of Scotland.

Mr. JOHN MACGREGOR said, that the hon. Gentleman who had just sat down had made an unprovoked and unjust attack upon the Free Church, for he said that the Bill would never have been heard of if there had been no Free Church. The history of nations did not, however, present so extraordinary an example of unselfishness as that of the ablest men connected with the Church of Scotland giving up valuable livings secured to them for their whole lives, and depending altogether for subsistence upon the support of the people. He would admit that the Bill was not all he wished, but he was not one who expected to get perfect reforms, either in political or educational matters, all at once. Scotland, he considered, owed a deep debt of gratitude to her parochial schools for the advantages they had conferred; but still, the altered circumstances of the country, and the progress of civilisation, rendered them now utterly inadequate to teaching the rising generation. He trusted the House was agreed that the principle of the Bill was good, although there might be some of the clauses which required a little amendment. He had not that confidence in the present system of Scotch education which the hon. Member for Elginshire (Mr. C. Bruce) had, but he thought it was absolutely necessary, for the purpose of tranquillising public opinion in Scotland, that such a Bill as the present should be brought forward. He denied that the Bill would separate religious from secular education, and he believed that it would in a great degree do what the House ought to do—leave education to the parents of the children, and the different congregations to which they belonged. He should support his right hon. and learned Friend in carrying this Bill into effect.

MR. G. DUNDAS said, he was not willing to allow the House to go to a division without stating the reasons why he should vote against the second reading of this Bill. He trusted the right hon. and learned Lord Advocate would not class him among the determined enemies of the Government, many of whose measures he had supported, and whose measures, whenever he considered that they were good, he should not oppose. No one knew better than he did how anxious that right hon. and learned Lord was to promote every good cause, and, as the title of the Bill expressed it, to make further provision for the education of the people of Scotland. He felt much regret that he could not go along with him in the measure he had introduced. He had given it every consideration, and during the recess had had ample opportunities of conversing with those who were acquainted with all the workings of the existing system, which had stood the test of centuries. He lamented exceedingly that the right hon. and learned Lord had struck the blow he had at that system, which had worked well and extended great benefits to the people of Scotland. All were agreed on the great importance of making further provision for the education of the people of Scotland. No one expressed a doubt that in the large towns there was a very great want of education, and that the children of the lower orders were in that respect greatly neglected. It would be of immense advantage if education were extended to them; and he would even go further, and say it would be very advantageous if they could compel the children of the very lowest orders to be educated, for then, perhaps, many who now swarmed in the streets, almost without clothing, and their minds thoroughly brutalised, might turn out after a time useful members of society. He disagreed, however, with the way in which education was proposed to be afforded by the provisions of this Bill. It would change the whole character of parochial schools in Scotland. By opening the parish schools to schoolmasters of all denominations it would raise a feeling of enmity between the schoolmaster and the clergyman, which would act most injuriously to the cause of education, as had been demonstrated by the experience of the last few years. Another objection was the substitution of the supervision of an inspector for that of the clergyman. The parish schools of Scotland were originally founded, 200 years ago, in connection with the Kirk, and ever since that time the clergymen of Scotland had watched over those schools, and regarded them as a sacred duty, which, in his opinion, rendered the change extremely ungracious. The right hon. and learned Lord Advocate said the system of superintendence and management was greatly defective. Defects there might be; for where was the system in which there were no defects? But surely it was within the scope of the Government to remove them without interfering with the superintendence of the clergyman. Another point of the Bill to which he objected was the general centralisation of management. It appeared everything was to be referred to the general Board. He would just remind the House that it was centralisation which lost us our American colonies; for if self-government had been permitted, he believed we should have possessed them to this day. With regard to the separation of religious and secular instruction, he was much gratified to hear from the right hon. and learned Lord that no sort of objection would ever be made to allusions to Scriptures in illustration of what was taught in the school, and in many schools there would be no interference from the inspector. The clause, however, which made provision for stated hours in which religion was to be taught, also left it voluntary to the parents to allow their children to attend, and it was to be feared that some parents might act capriciously, and withdraw their children from those hours of sacred teaching. Reverting to the examination of the schoolmasters and the schools, he thought that men who had been educated at the colleges of St. Andrew's, Aberdeen, Glasgow, and Edinburgh—men well learned, and of acknowledged religious principle—were much more fitted for those duties than an inspector, of whom they knew nothing. It was to be regretted that the measure was one of such a sweeping character. Another in a much smaller compass would have answered every end. If such a Bill had been introduced, increasing the salaries of the schoolmasters, providing for their retirement when past work, taking care that those who were incapable should be removed, and extending the means of education to new districts—whether in the distant Highlands, where miles of moor intervened between the scattered villages, or in the no less dreary yet populous towns where vice and ignorance were to be found—he was quite sure the Government would have earned the thanks and gratitude of every Scotchman.

Mr. G. S. DUFF said, that the Bill before the House was one of such vital importance to the best interests of the people of Scotland, that he was unwilling merely to give a silent vote in its favour, as he had done upon two former occasions, when Bills on the subject of education in Scotland were brought in by the noble Lord the late Member for Greenock. He had then no other intention than of signifying a general opinion as to the necessity of some considerable alteration being made in the whole system of education in that country, but he now wished to express his hearty concurrence, not only in the principle, but also in most of the details of the simple and efficient measure, the provisions of which had been so well and clearly explained by the right hon. and learned Lord who introduced it. This was, indeed, a Bill which, without paying homage to the sectarian prejudices of any one class of the community, went honestly and straightforwardly to carry out what it professed; namely, to amend the laws of education in Scotland, to inquire into the existing educational means in that country, and to make such further provision for extending them as that inquiry might show to be necessary. He believed that it was, in fact, the very fairness and impartiality of the measure that had given rise to much of the opposition that it had now to encounter, for nothing was more natural than that those who combated for the predominance of the sect to which they belonged should endeavour to arouse against a measure like this the intolerance of that Presbyterian spirit which, like all other great mental qualities, possessed its shadowy side. He rejoiced, however, that the good sense of the great mass of the laity in Scotland was too well able to appreciate the practical merits of the Bill, to be persuaded to reject the benefits that it offered, or to allow the evils that it went to remove to be augmented by further delay. He would not detain the House with any observations upon other parts of the Bill, but, as a member of the Established Church of Scotland, he could not help alluding to the provisions that had more immediate reference to the parochial schools. He deeply regretted the character of the opposition that had been offered to these provisions by the majority of the established clergy. It was impossible for him to imagine that the true interests of the Established Church had been consulted in their wholesale condemnation of this Bill. On the contrary, he felt persuaded that the course which they had taken was one which could not fail to be prejudicial to the Establishment, and he could not but think that they, and all others who had at heart the prosperity of the parochial schools, ought to be the first to thank the Government for the manner in which they proposed to deal with them. For by the provisions of this Bill new life would be infused into them, and under their operation there was every reason to hope that the parochial schools would once more resume their proper position as the great educational institutions of Scotland. The general Board, which had been so much condemned, would in his opinion, with some alterations in its constitution, but invested with the powers conferred upon it by the Bill, form a body really responsible for the character and the qualifications of the schoolmaster, and candidates of superior attainments would no longer be excluded by a useless and vexatious test, while the superintendence of the presbytery would be advantageously replaced by the more efficient inspection guaranteed by the Board. He was glad likewise that the Government were prepared to reconsider the question of the schoolmaster's salary and the retiring allowance, for he was decidedly of opinion that they must be considerably augmented in order to secure the permanent services of those best qualified as teachers, who had hitherto in most cases regarded a parochial school as a mere stepping-stone to the Church. Altogether, considering the difficulties with which this question was surrounded, he could not conceive that a more ingenious, a more comprehensive, and at the same time a more conciliatory measure, could well have been devised. In giving it his most unqualified support, although he could not admit of the expression used on a former occasion by the hon. Member for Elginshire (Mr.

C. Bruce), "*Experimentum fiat in corpore vili,*" he would imitate that hon. Member in calling the careful attention of English Members to this Bill, as one eminently adapted to the wants of Scotland; and he trusted that no dread of its being sent out as a pilot balloon to some projected measure for England would induce them to withhold a boon which was so earnestly desired by the people of Scotland.

MR. MIALL said, he could not reconcile it with his duty to refrain from taking part in this discussion; though, as the measure was limited in its application to Scotland, it might be more proper if it were left exclusively to Scotch Members. The principle of the measure was, to make further provision for the education of the people of Scotland. It was one which the House received with unusual cordiality, and he was not disposed to object to it. It was certainly not on light grounds that he should put himself in direct opposition to what he knew to be the general opinion of the House, but he would state as concisely as he could the reason why he should vote for the Amendment of the hon. Member for Perthshire (Mr. Stirling). In the first place, he might declare, without any circumlocution, that he objected to any scheme of what was called "national education." It was right he should state that broadly, that there might be no misapprehension as to the position he occupied. He would not ask the House to go into the merits of any abstract principle. He would assume that with regard to this the decision of the House was correct, and his judgment was entirely mistaken. He conceived that so vast were the interests involved in a measure like this, and so materially would they be affected by the determination of Parliament, either on one side or the other, it was hardly safe to be guided exclusively by abstract principles, however capable of demonstration. He would go further than that, he would declare that if he could but arrive at the conviction that the education of the people ought to be provided by Parliamentary enactment or legal provision, that supposing no greater evil than the evil intended to be remedied were produced, he would willingly surrender any theory of his own, either political or economical, in order to accomplish the attainment of so desirable a result. The measure presented itself to his mind in a practical aspect, and the spirit in which he wished to address himself to it was, as a proposal submitted to Parliament to accomplish by Parliamentary aid that which the House believed itself well qualified to perform. In that spirit he asked, what was it that this Bill was intended to accomplish, what was its proposed object, what was the evil it meant to remedy, what the mischief with which it was to grapple? Was it the general existence and alarming growth of popular ignorance in Scotland? The right hon. and learned Lord Advocate, in introducing the measure, did not produce any evidence of a fact so melancholy and significant as that in Scotland education was diminishing and ignorance increasing. It was usual to support a proposal with a solid array of facts. Why did the right hon. and learned Lord not follow so laudable a custom? His office gave him easy access to the records of crime in his own country, and he might have ascertained without difficulty the broad and general results, though the Census tables of Scotland were not published at the time he introduced his measure. Statistics might not be interesting, but it would, perhaps, have guided the House in its impression, if the right hon. and learned Lord had informed them that one in every seven in Scotland were under scholastic training, and that nearly four-fifths were under training through other agencies than those which sprung from public provisions for education. Far from blinking the truth upon this matter, he felt that no good could be gained by any person shutting his eyes to the real state of affairs. He admitted, and he deplored as much as any Member of that House, the growth and rapid increase of a class—not, perhaps, actually criminal, but susceptible of crime—a class which so easily took the contagion, so tenaciously retained it, and held so cheaply all the miseries which it produced, that wherever it was numerous it must of necessity also be dangerous. He admitted that this class was universally distinguished by profound and brutal ignorance as one of its characteristics, but was it not prudent for the Legislature to inquire whether, supposing they got rid of the ignorance, they could alter in any respects the nature of the class itself. It was of the utmost importance that the question should be looked fairly in the face, in order to ascertain whether there were not evils far deeper than those generally described as ignorance, which neither this nor any similar measure could meet. The class to which he referred was peculiar to crowded towns and large cities. It might be found in Prussia and France, as well as in England and Scotland, and even in the United States of America, where employment was general, and the rewards of that employment large and sure. It was not unnatural. These centres of population naturally drew to themselves all those who preferred indolence to industry, and whose vicious habits exposed them, in smaller communities, to certain correction. All wished to bury crime in obscurity, and there they were all huddled in the closest contact, every influence that surrounded them exerting a deteriorating power on their character. We were accustomed to look at these matters in the mass. It was far better to look at the single illustration. Let any one go into a crowded district, into the undrained court which was their nightly refuge, where the sun seldom shone, and the air reeked with pollution—where every room of every house might be said to contain a household—where there was no distinction or separation of sexes, nothing to cheer, nothing whatever but a crust of bread or broken victuals to hope for—where vice, squalor, wretchedness, and misery were only to be seen, and profanity, blaspheming, and obscenity, almost the only sounds to be heard. Let them take a family from such a scene, and ask themselves how was it possible by the simple construction of additional machinery for education to touch the circumstances of that family; how could they draw them within the circle of influence they wished to exert on them; and, even if that were possible, how could they think that reading, writing, and arithmetic, would do much either to elevate or to civilise? He should depend on that argument and his own experience, even if he were not backed by the experience and information of any other party. But he found a remarkable confirmation in the Census tables on education by Mr. Horace Mann, whose Report went directly to the point—

> "We may, however, be permitted to reiterate the doubt respecting the success of any schemes to elevate the mass of the population by mere elementary instruction, whilst the social circumstances of the multitude continue so unfriendly to their intellectual and moral progress; for the real educational calamity of the present day is not that the children do not go to school, but that they stay at school for so limited a period, and this results directly from the want of adequate inducement to prolong education, in the debasing nature of those circumstances."

This bore out his general argument, that there was a certain state of general circumstances with which the poor were surrounded, which rendered it impossible that any machinery intended for the general population should reach their special cases or elevate their condition. Now, it was because the Bill was of this general character, and because it did not go directly to the evil which it had in view, but left the class who most needed it entirely out of its operation, that he objected to the scheme of the right hon. and learned Lord. There was another reason which he would urge upon the House. If they looked to the labouring and industrious poor—to the men who were in constant employment—he would not say what was the case in Scotland, but in England it was not the want of ability on the part of those classes that constituted the difficulty in the way of education, but it was the want of disposition to avail themselves of the education they had. Mr. Horace Mann, in his education census, stated that the school fee was the very least obstruction put in the way of the poor gaining education for their children; that while the fee was only 1*d.* or 2*d.* a week, they could gain in many cases 1*s.* 6*d.* or 2*s.* a week by their labour, and this was a temptation to the poor to push their children into active life too strong for them to resist. If the poor valued education, they had the means of obtaining it for themselves, or how would they spend 50,000,000*l.* a year upon intoxicating liquors, and allow their children to remain uneducated? He objected to the measure because it would be found impracticable—because it would produce no real positive result—because it would set up new machinery of which they already had enough; and it was a maxim with him that all machinery ought to be produced by life, but that life itself would not be produced by mere machinery. He thought the only result of a national system would be to put down national schools. He was aware that Scotland was already in possession of a national system, and if the Bill was intended only to continue and improve that system, to liberalise it, he would have thrown no obstacle in its way. But in this measure he saw something very different—he saw a vast scheme in embryo to be managed by one man, for practically the secretary of this Commission would have the whole education of Scotland under his thumb. Commissions were now multiplying on every hand; if they did not take care, not their comforts only, but their very liberties, would be buried under the mass of Commissions. He had not taken objection to the Bill on religious grounds, though on that score he felt that the Bill must either be latitudinarian or grievously unjust to the Roman Catholic and the Unitarian. It would either sin, on the one hand, by taking all creeds and teaching them alike, or, upon the other, by infringing the rights of individuals and excluding certain persons from the benefits of an educational system provided for all. On all these grounds, he would oppose the Bill.

MR. BOUVERIE said, the speech of the hon. Gentleman who had just sat down was of a most singular character. The hon. Member prefaced his remarks by saying that he was dealing with the question as one of a practical nature, and the reasons he gave for voting against the Bill were, first, that the right hon. and learned Lord Advocate who introduced it had produced no statistics in his opening speech to show that additional education was required in Scotland; and, secondly, because the Bill would not reach the very classes who were most deplorably ignorant; but the hon. Member had lost sight of this fact, that though it might not reach all classes, yet there were many classes whom it would. No doubt there was no more terrible problem for solution in the present day than the existence of the ignorant classes, and the way in which they were to be dealt with. Yet the hon. Gentleman knew enough of Scotland—though it must be confessed he knew very little of it—he knew enough of Scotland to know that a system of national education had existed there for upwards of two centuries, and surely but for that national system it must be admitted that many of the working classes, who were now most creditably conducting themselves, would have been in that deplorable state of destitution which the hon. Gentleman had so graphically described. He did not wish to discuss the question upon the narrow ground of the ascendancy of one sect or another; and he believed the real point at issue was, whether the Bill would or would not have a tendency to promote the intelligence, morality, and religion of the people of Scotland. Though objecting to some of the details of the Bill, he was ready to give the second reading his hearty support. He thought his right hon. and learned Friend had given needless offence to the Established Church, in his statement in the preamble, that the superintendence of schools had hitherto been inefficient and bad. He thought that that statement had better have been left out. Then he would recommend his right hon. and learned Friend to reconsider the 27th clause respecting the religious education. He had himself a strong view in support of what was called religious education, for he was satisfied that there could be no education without moral training, and that there could be no secure foundation for moral training except upon the revealed truths of religion. But then he thought that the securities for religious education rested rather in the religious character of the people at large than in any Statutes. He was much struck to find that in the Statutes of the old Scottish Parliament there were no provisions for the religious education of children—that was intrusted to the people themselves; and he much wished that his right hon. and learned Friend had imitated these precedents, and left it to the school committee to decide upon the character of the religious education, without raising that vexed question in his Bill. With regard to denominational schools, he regarded their existence as an evil which he had hoped the present Bill would have corrected, and he regretted that any provision should have been introduced for their perpetuation; but yet on general grounds he gave the measure his hearty support. As the hon. Member for Rochdale (Mr. Miall) had complained that no statistics had been produced in reference to the present Bill, he would refer to an authority which could not be disputed in favour of a better and more extended education in Scotland. The Commissioners of Poor Law Inquiry, who had investigated the whole condition of the working classes in Scotland, expressed their firm opinion that all means for suppressing pauperism would be inefficient unless accompanied by measures for the promotion of education; and they regretted that, instead of improvement in the education of the people, there appeared from the evidence to be deterioration. He found, too, by the 14th Report of the Directors of Prisons in Scotland, that while, comparing the years 1841 and 1851, the increase of the population was 10 per cent, the increase in the same period on the daily average of female prisoners was 35 per cent, and of male prisoners 54 per cent. These facts tended to show that there was a deterioration in the moral condition of the people of Scotland. If reference were made to the petitions which had been presented, it would be seen that there was scarcely one that did not admit the necessity of something being done to increase the educational means of Scotland. Under these circumstances, the right hon. and learned Lord had brought in the present Bill. And he must remind the House that they must legislate upon the subject this year, unless they wished to make the condition of the Scottish schoolmasters much worse than it was. Their salaries were fixed with reference to the prices of grain, to be revised every twenty-one years. Now, this periodical revision was to take place this year, and the average of the last twenty-five years would reduce their salaries at least 9*l*. a year each. His hon. Friend the Member for Perthshire asked why the right hon. and learned Lord had not brought in a Bill simply to remedy this state of things, and he hinted that such a Bill was in preparation on the other side. [Mr. Stirling: The Bill is prepared.] That might be; but he should be surprised, indeed, to see that Bill carried through the House, or accepted by the people of Scotland. It should be borne in mind that, up to a late period, the system of education in Scotland was not only national in name, but in reality, for the Church of Scotland was the Church of the nation; but, now, instead of being the Church of the nation, it was the Church of the minority. While, then, an extension of the means of education was desirable, that extension could not take place simply on the existing basis. The right hon. and learned Lord proposed, in reference to the schoolmasters, to get rid of the religious test and the superintendence of the presbytery, which latter was admitted to be almost useless. These provisions were considered greatly objectionable by the members of the Established Church of Scotland; but here he must again point out that the test did not constitute the security which the people of Scotland possessed for the religious instruction of the people. The security was that deeply-seated religious feeling which was the honourable characteristic of the Scottish nation. If there were any doubt respecting the religious opinions of any master, the withdrawal of the children from his school would at once intimate the dissatisfaction of the parents; and this was the practical security which all parties in Scotland possessed for the religious education of the children. The test, after all, was only a proof that at a certain time of his life the master was willing to profess his adhesion to a particular creed, but was no proof that he continued to believe in that creed. The right hon. and learned Lord proposed that schools should be established at the expense of the ratepayers, and that their management should be intrusted to persons nominated by the contributors, subject to the superintendence of a Central Board. He thought this the best system that could be devised for the purpose of general education. Local management afforded security for the good administration of the schools, while the superintendence of a Central Board offered the assurance that they would be governed on sound general principles. He did not like the clause which gave the Central Board the authority to dismiss any schoolmaster without reason assigned, as such a provision was likely to create obsequiousness on the part of the persons liable to dismissal; but on the whole he repeated his confident conviction that the measure was calculated greatly to improve the education of the people of Scotland. Though not a Scotchman himself, yet, as one nearly and dearly connected with Scotland, and having some of his warmest feelings associated with the people of that country, he thought it was their duty not to hand down the country to their posterity in a worse condition as to intelligence, morality, and religion, than they had received it from those who went before them.

Mr. MACKIE said, he must maintain that the existing system of schools in Scotland was most liberal in its character. He denied that the parish schools were sectarian. He had visited many, and he had seen there the children of all denominations, but he had never heard of a single instance of an attempt to proselytise. The inspection on the part of the parish clergyman was excellent, and exceedingly advantageous. The clergyman was always on the spot, and had, therefore, the opportunity of constantly observing the state of the school; whereas under the present Bill the inspector would come into the neighbourhood only at stated periods, when everything would be prepared beforehand for his inspection, so that he would not have the means of knowing the real and ordinary condition of the school. In abolishing the test, he thought that security ought to be taken that the schoolmaster should be a firm believer in the truths of religion. If the right hon. and learned Lord Advocate could give him an assurance that the schoolmasters to be appointed by virtue of this Bill were not only real Protestant Christians, but that they would remain so, or else be instantly removed, he would then readily vote for the second reading of the Bill; but unless such a security were given to him, he should vote for the Amendment of the hon. Member for Perthshire.

Mr. HUME said, he felt called upon, as a representative of a portion of the people of Scotland, to speak the opinions of those whom he represented on the subject now under discussion, and he did so with great confidence when he declared that there existed a strong conviction on the part of a large portion of the people of that country of the necessity of some measure being passed to improve and regulate the system of education in Scotland. That some more efficient system of education was required to remove that state of ignorance, and its necessary consequence—crime, which now, unhappily, existed in Scotland, and which so strongly contrasted with the state of things in former times—was not only felt by his constituents, but throughout the country. There were some parts of the Bill, however, to which he should object in Committee. That, however, was no reason why the Bill should not be read a second time. The hon. Gentleman who had just addressed the House had asked, why should the Legislature meddle with the old-established system of parochial education? But there were many reasons to be assigned for doing so. Changes had taken place in the character of the population of Scotland which rendered it necessary that the system of education should be changed. Scotland was no longer an united people. They were united, he admitted, as a nation desirous of having a religious education; but they were divided in opinion as to the manner in which that education should be given. They were anxious to see both religious and secular education extended as widely and broadly as possible, and the difficulty was how best to effect that object. The separation which took place in the Church eleven years ago had produced consequences which made it impossible to expect that the people of Scotland would allow those belonging to the Kirk to maintain the exclusive superintendence and management of the parochial schools. Hence the necessity of something being done by the Government. For any independent Member to interfere was out of the question. It was a measure which could be managed by the Government only. That there were difficulties connected with the subject he admitted; but he was sorry to perceive that there was a disposition to allow those difficulties to induce hon. Members to oppose the Bill altogether. Nothing was more important than to revive, if possible, the morality and good conduct of the people of Scotland which formerly existed. There must be some cause for the deterioration of the morality of the people. He, however, knew of no reason why the people of Scotland should become worse while the people of other countries were becoming better. He admitted that the parochial schools had done immense benefit in Scotland, but that was no reason why he should not vote for the second reading of this Bill. The character of the population had changed, the opinions of the people had become divided, they no longer maintained a single religious establishment, and the question then arose, what ought to be done? The Government deserved credit for having attempted to meet that question and to solve the difficulty. While the hon. Member for Perthshire (Mr. Stirling) admitted the evil that existed, he only proposed a remedy that was of a partial character. If indeed it were possible to leave the whole matter to local management, he should be most glad to see it accomplished, but that was now, he feared, impracticable. He remembered when a boy how harmoniously the parochial system worked. There were no distinctions made of ranks, or sects, or creeds; all classes attended the schools alike; and there was no want of attention on the part of the parents. It was on that ground that many persons now objected to the proposed interference on the part of the Government by its sustaining any portion of the expense. He had himself, on former occasions, objected upon principle to the public money being applied to objects of this kind. He was of opinion that local rates should be raised for the payment of the education of the people in the different localities. No doubt that system would be much more satisfactory, because then all classes would partake in an equal degree in the management and in the benefit of the system, and special care would be taken that, if the schoolmaster entertained opinions contrary to the opinions and feelings of the parent, he would soon be removed. He believed that by such a system the members of the education committees would, like the boards of guardians, be a check on improper conduct. In New York, Kentucky, and Massachusetts, that system had been adopted, and was found to work most admirably.

Secular education was what was given in those schools, yet there was as great a desire to obtain a sound religious education, according to their views, in those States, as in any part of Scotland. The statistics of crime in America showed that it was only in a very small proportion of the population that the native educated American was guilty of crime. But, as he was not able to carry out his own views on this subject, he was willing to accept the next best thing —namely, Government aid combined with local rates. If his hon. Friend (Mr. Stirling) could devise any better mode than what was now proposed, he should be happy to support him; but, in the absence of any suggestion of a preferable course, he certainly did not think it would be wise to leave society in Scotland in that state in which it at present existed. There was one point which he was sorry to have occasion to notice, but it was a lamentable fact that there existed a want of inclination on the part of the parents to send their children to school. The same indifference prevailed in Norfolk — the county with which he was connected. There were schools capable of receiving all the children of the locality, but the parents could not be induced to send them. They did not appear to value the education of their children, and for the sake of saving a few pence kept their children away. He hoped his hon. Friend would consider that those who concurred with him in his general object were acting right in agreeing to the second reading of the Bill as a step towards effecting what must prove to be a most beneficial measure for Scotland. At the same time, he could not understand the principle upon which the hon. Member for Rochdale (Mr. Miall) based his opposition to it. What mode could he suggest for educating the people if he would not accept this Bill? He had certainly suggested none. Under all the circumstances, he strongly recommended all classes to unite to secure this measure, believing it would be sound economy to rate themselves in order to secure such an object. The only clause he objected to was the 27th. The principle of the Bill, however, he cordially approved, and he hoped the House would assent to the second reading.

COLONEL BLAIR said, that on the part of himself and others who objected to the Bill, he repudiated the imputation attempted to be cast upon them of being opposed to the extension of religious education in Scotland. On the contrary, their objection to the measure was founded on the circumstance that it contained no security for the promotion of that description of education. The right hon. and learned Lord Advocate on a former occasion dealt somewhat hardly with those who were intrusted with the superintendence of parochial schools in Scotland, but against that animadversion he was able to set the opinion of one who knew Scotland and her schools well—he meant the right hon. Gentleman the Chancellor of the Exchequer. In a speech which that right hon. Gentleman delivered in the Mechanics' Institution at Manchester, within the last ten months, he accounted for the high moral position which the people of Scotland maintained in comparison with the people of other countries, "that every labouring man in Scotland had the opportunity of sending his children to schools where they could receive the blessings of a religious education, and the consequences of that had been, that there is an appreciation of those blessings among the people of Scotland continually growing with the enjoyment of them." The opponents of this Bill were, at least, as anxious to extend education in Scotland as any of the hon. Gentlemen opposite. There was no ground for the assertion that education had not been extended in Scotland of late years. It had been extended not only by the Free Church, but also by the Established Church. Members connected with English constituencies might not be aware that the parochial schools were not the only schools which were under the superintendence of the Established Church. The Assembly schools were also under the superintendence of the Established Church. He had a return which, although not official, he fully believed to be correct, showing that there were 1,049 parochial schools, and about 1,900 schools in all connected with the Established Church. In 1824 public attention was attracted to the deficiency existing in the means of education in Scotland, and the General Assembly determined on establishing schools called Assembly Schools, without any aid from the Government. In 1830 the number of these schools was thirty-five, with 5,000 scholars; in 1850 the number of Assembly schools had increased to 179, with 15,000 scholars. That did not look as if there was any indifference to the extension of education on the part of the Established Church. Even the unfortunate disruption of the Free Church had not paralysed the efforts of the Established Church in the cause of education, for, in 1844, the year after the disruption, the number of the Assembly schools increased to 139 from 127, at which it stood in 1840; and now as he had already stated, the number of these schools amounted to 179. If, as was alleged, the Established Church was a minority in Scotland, it was much to its credit that it had double the number of schools under its superintendence that any other sect in that country had. The right hon. and learned Lord in introducing the Bill, told the House that it was almost universally popular in Scotland. Now it was his belief, that with the exception of one sect in Scotland, the Bill was generally unpopular. This would appear from what transpired in the Assemblies of the three great religious divisions held to consider the Bill soon after its promulgation. The Assembly of the Established Church was, as every one knew, directly opposed to it. The noble Lord the Member for Haddingtonshire had quoted from the speech of Dr. Robertson, a distinguished member of the Establishment, as being in favour of the Bill; but had he looked further into his speech he would have found that rev. gentleman to say, that if the principles of this Bill were carried it would be a most severe blow to the Church of Scotland. In the Assembly of the Free Church, the Rev. Mr. Marshall, a minister of the Free Church in the borough which the Lord Advocate represented, declared that, with all the faults of the Established Church, he did not hesitate to avow that, "when he looked at the Bill, he would infinitely rather have the schools of Scotland left under the control of that Establishment than under the control of such an organisation as that proposed by the Bill, which was a combination of Erastianism and despotism, leading to latitudinarianism." As regarded the United Presbyterian Church, he had not seen an opinion favourable to the measure expressed at any meeting of its synods or presbyteries, and the Episcopal Church had, he believed, declared its disapproval of the Bill. No allusion had yet been made to the opinion entertained respecting the Bill by an important body in Scotland —he meant the laity. A declaration, signed by 1,900 gentlemen of Scotland, was drawn up to the effect that those persons signing it were strongly of opinion that, except to correct a few defects in the working of the present system of parochial schools, that system ought not to be interfered with. The declaration was not got up in the same way as the petitions which had been presented to the House, but it was signed by men well able to understand the merits of the case. He did not believe that the Free Church as a body approved of this Bill. The Rev. Dr. Guthrie, who was renowned alike for his learning, his piety, and his wit, only wished the Bill to pass as a stepping-stone for what was to follow. He would state the advice given by that rev. doctor at a meeting at Edinburgh, only a short time ago, when discussing this Bill. His words were these, on advising them to reconcile their difference of opinion with regard to this measure—"To each and all of these religious bodies, beginning with the Free Church, he would give the advice tendered to an hon. Baronet (Sir George, then Mr., Sinclair) when first elected for his native county. One of his supporters came to him and said, 'Now, Maister George, I'll gie ye an advice; they've made a Parliament man of ye, and my advice is, be aye taking what ye can get, and aye seeking for mair.'" This, says the rev. doctor, is just what you should do, take this Bill as you can get it, and "aye be seeking for mair." The rev. gentleman then goes on to state that this Bill is no attack on the Established Church, but that his only object is to get the people of the country educated, and the means by which he is to do so are, by his own acknowledgment, to keep up a continued agitation on the question; and so far as considering the Bill as a settlement of the subject, and as final legislation, he is to be always "seeking for mair," which means making further encroachments on the rights and privileges of the Established Church. Those who had long supported those schools, and were still willing to do so, declared that they were not opposed to the extension of religious education, and that if a Bill was prepared to correct the defects and increase the efficiency of the present system of parochial schools, they would not oppose it. He protested most strongly against the principle of the Bill, and believed, if it had been allowed to go into Committee, as had been suggested, the House would be told the principle was assented to. If it had gone into Committee, certainly the Bill would come out in a very different shape to that which it now presented; for even the hon. Member for Kilmarnock (Mr. Bouverie) could only find two clauses in the Bill which he received with unqualified favour. The only object which he (Colonel Blair) and those who thought with him had in view was, to have the people educated in those principles in which they had hitherto been educated, which had made the people of Scotland the pride of the country, and the admiration of the world. The right hon. and learned Lord who had introduced the Bill had met with no party opposition on that side of the House, but his Bill had been received in a calm and considerate manner. All discussion in that House had been sought to be avoided, and the matter had been discussed by the Scotch Members in a small Parliament of their own, and they had endeavoured to show the right hon. and learned Lord that they were perfectly desirous and willing to render him every assistance in improving the means of education, but implored him to leave alone their parochial schools. The right hon. and learned Lord had, last Session, made a most fervent appeal on behalf of certain venerable institutions, then threatened with attack ; that appeal was responded to, and those institutions were preserved. He (Colonel Blair), in return, appealed to the House not to destroy an institution nearly as venerable, and far more sacred—the parochial schools of Scotland—and one that had been productive of so much good to his country. He could only say, in conclusion, that he felt it his duty to give his strenuous opposition to this Bill, as he considered it most prejudicial to the happiness and welfare of the people of Scotland.

Mr. COWAN said, that, in his opinion, the hon. and gallant Gentleman had diverted the attention of the House from the real subject to be considered. He would ask the hon. and gallant Gentleman if he had read a speech made by a gentleman who opposed the Bill, in which the speaker stated that he would rather see the Russians in the country, and the streets deluged with blood, than see this Bill passed into law ? Surely that was rather too strong. He disclaimed the charges which had been industriously made against the supporters of the Bill, both in that House and out of doors, that they were encouraging an infidel and godless system of education. He was fully sensible of the great benefits which had resulted from the parochial schools of Scotland, and he hoped to see them adapted to the altered circumstances of the country, so as to bring a cheap moral and religious education within the reach of the humblest in the land. He appealed to the Irish Members—who could bear testimony to the benefits which, in spite of the difficulties it had had to encounter, the national system of education had conferred upon their own country—to aid in the introduction (*mutatis mutandis*) into the northern parts of this island, where the same difficulties did not exist, of a system which was likely to be productive of so much advantage. He specially approved of the provision in the Bill for abolishing the superintendence which the presbyteries, as such, now exercised over the schools ; and in illustration of his opinion, that such superintendence could not lead to the promotion of the great object sought to be attained, he would call the attention of the House to what had happened in the case of the large charitable fund bequeathed by Dr. Dicks for the improvement of the status of the schoolmasters in the counties of Aberdeen, Moray, and Perth. It had been found that the average age of the schoolmasters participating in this fund had been under twenty-one on their admission ; and, upon investigation, it had turned out that the sons of the parish ministers had been appointed teachers, even before they had received their own education ; that they went to the University of Aberdeen, or elsewhere, at the beginning of each session, leaving their schools for the purpose of attending lectures, and that their places were occupied during their absence by persons even less qualified than themselves to discharge the arduous and responsible duties of parish teachers. The trustees, he was sorry to say, had met with a good deal of opposition on the part of the Established Church ; and he could refer to cases in which their good intentions had been all but thwarted by the opposition which some of the Presbyterians had made. A very solemn responsibility rested with those who opposed this Bill. Extremes met, and it was very possible that the heterogeneous elements which were ranged together might defeat the measure, but a very heavy responsibility rested upon them when they considered how short was the period which these children had to devote to attendance at schools, even under the most favourable circumstances, and when they remembered that, while they were disagreed as to the means of affording instruction, a new generation was fast being removed out of the reach of school instruction. He trusted, then, that the House would sanction the second reading of the Bill before it. He regarded it as a great step in the right direction, and believed it was calculated to raise the status of the teachers, to give instruction to the young, happiness and contentment to the parents, and blessings to the country at large.

MR. NAPIER said, he would state very shortly the reasons which induced him to oppose the Bill. He would admit that with regard to the principle of the Bill, it imposed upon them a great responsibility, but any plan upon which the House was called to decide, ought, at least, to be free from all reasonable objection. They were told that there was great concurrence on the part of the people of Scotland with regard to the question of education, and with regard to the opinion that religion must be connected with all education. Here, then, was a basis upon which to go, and the right hon. and learned Lord proposed in this Bill to introduce into Scotland a national system of education. He should not, on the present occasion, advert to the national system of Ireland further than to say, that he differed from the conclusions of the hon. Member who spoke last on that point. Now the objection he took to this Bill was, that it was not supplementing the agency of the Established Church of Scotland, that it did not take up unoccupied ground, introducing a system to work in harmony with that of the Established Church of Scotland, but that it superseded the existing agency, which had been so long bound up with the feelings, the principles, the happiness, the habits, and the progress of the people of that country. The right hon. and learned Lord began, therefore, first with the work of destruction, and, instead of improving the existing schools and taking up unoccupied ground, he began his national system by entirely overturning that system to which the members of the Established Church of Scotland were so devotedly attached. How, then, could this be expected to be received as a national system, when it began in a spirit of retaliation? It would, in fact, be a mere transfer of the education from one body to another. The two great parties into which the people of Scotland had been divided by the disruption did not differ on any matter of religious doctrine, but on the principle of interference by the civil power. The members of the Free Church had repudiated that interference, and yet they were found the keenest advocates of this Bill, which took away the superintendence of the Established Church over the parochial schools, and placed it in a Board, a large majority of the members of which were to be the nominees of the Government. The education of the country was transferred to a Board of thirteen persons—eight of whom were to be nominated by the Government of the day, who would thus practically possess the control, and the despotic control, of the whole thing. Now, if religion were indeed the vital part of education, it ought not, he thought, to be superintended by a Government Board. The teacher, upon whom the character of the school mainly depended, was at the mercy of this Government Board, but his religious character depended mainly upon the superintendence of the local clergy; the parochial school education would never be rightly conducted unless the local minister and residents were at their place, and took a lively interest in the subject. All that Government could do was to assist them in that work. They might give them grants, but, if they took the matter out of their hands, and placed it in the hands of a Government Board, the system would be unsuccessful. Any new experiments made in regard to education in Scotland ought, as he had said before, to be made upon unoccupied ground, and, if the Government struck down the parochial system, taking the thing out of the hands of the clergy of the Established Church, removing all the settled institutions which have been so long the pride of Scotland, and putting the practical control of the whole into the hands of a Government Board, it would be idle to call this bringing in a system of national education. Through the instrumentality of the religious teaching which they enjoyed, the people of Scotland had obtained a high character for morality and knowledge, but it was now proposed that their character should be moulded by a Government Board, and that the old and tried system which had done so much good should be altered. Instead of improving that system by giving a better training to the teachers, they wished to cast it aside in order to try what he thought was a wild experiment, in order to attempt to transfer the management of education in Scotland to a Government Board, and, as he would not be a party to that attempt, he felt bound to oppose the Bill.

MR. COBDEN said, that he should not

have obtruded himself in the presence of so many Scottish Members but that one English Member had spoken whose remarks required some observations. His hon. Friend the Member for Rochdale (Mr. Miall) had a mind so logical and acute, that if he made a speech which failed to convince his audience, it must be because he had an impossible case to deal with. His hon. Friend said that he was opposed to all State provisions for education. But no one wanted it; what was really wanted was a local system regulated by Act of Parliament. His hon. Friend went on with a defence of his objections to a system of national education, and there he thought that his hon. Friend had landed them in the slough of despond altogether, for he pointed to large cities with teeming populations immersed in ignorance and vice, and asked how were they to be educated. He thought that there was hope for his hon. Friend, even from the Scottish view of the question. Large cities did not reproduce their population, which, if they were left to themselves, would die out in a few generations, but their populations were reproduced because they were recruited from agricultural districts. If, then, you wanted to improve the character of the population of towns, you must have not merely education for great cities, but general education, and in proportion to the progress of general education would the character of life in cities be improved? His hon. Friend said, that if you went into the narrow courts of cities where there was no ventilation or scavenging, you would find an outcast and degraded population. But where did these people come from? Did they come from that part of Great Britain which for centuries had had a system of national education? Did you find in this degraded population any considerable number of Scotchmen? No. Why was that? Why was it, as an hon. Gentleman had said, when a Scotchman appeared in a place in Australia, with his blue bonnet on, that he was surrounded by a crowd of persons anxious to engage his services? It was because he came from a country where there was some national education. His (Mr. Cobden's) plan was to have national education, not only that in Scotland, and even that improved, but generally. His hon. Friend said, if a system of national education was established, the people would not come to it. In that his hon. Friend was somewhat inconsistent, for he and his friends said that the population was educated; that in England one child in eight went to school, and in Scotland one in seven, and yet he said that if you had good schools people would not send their children to them. His (Mr. Cobden's) experience showed him that if there was a good school, and especially where there was a good master, there was an instinctive desire on the part of the people to send their children to them, and even when they were ignorant themselves, they had an instinctive knowledge, and could appreciate when their children were improving. A good master sent a child home in good spirits from school, and not languid and depressed, for a good master must himself have good physical spirits and energy, and thus the children were enlivened by going to school, and the parents soon saw it. His hon. Friend and his party were opposed to any national education, and deny that the question of education ought to be dealt with by this House or the Government. Now, that opinion was calculated to raise a party in England and Scotland, which would tend to the abandonment of all hope of a national education, since there was no scheme on which all parties could agree, and the matter must be left to the chance efforts of individuals. He (Mr. Cobden) thought this Bill was calculated to increase the number of those who agreed with his hon. Friend, and to be against all national education; for in dealing with this question the Government had involved itself in a series of difficulties and inconsistencies. He did not see how this Bill could come out of the discussion which it would have in that House and in Scotland. The Government start by saying in the Bill that education must be religious, and they go on to say that no test of fitness in masters to teach religion should be required. If there was to be no test of this fitness, he wanted to know what religion was the master to teach; and if he was to teach religion, of all men he was the very one who ought to be subject to some test with regard to his religious teaching. Again, to make the inconsistency complete, notwithstanding all they were constantly hearing in that House, and especially from the noble Lord (Lord J. Russell), who had ostentatiously repeated the other day at the British and Foreign School Society, that you cannot and ought not to separate secular from religious education, there was a provision in the Bill that there should be secular instruction at one hour in the schools, and religious instruction at another. If that was done in good faith you had adopted the principle of separating religious and secular instruction. If so, why not avow it, and say that it could be done; and if it was adopted, he could promise that you would revive the hopes of the country, and prevent his hon. Friend the Member for Rochdale from making converts to his opinions in opposition to all national education, and you would conciliate one-third of the people of Scotland, who, as voluntaries, were opposed to this Bill, and the mass of the people of England and Scotland, who now called for sectarian education, would be with you; for he would vouch for it, that in all meetings held on the subject, the mass of the people would give opinions favourable to the principle. Let there be one system. But so long as you said one thing at the British and Foreign School Society, and another thing in this Bill, you would be at a dead-lock; and while you stealthily inserted a clause in the Bill to evade the principle on which you profess to act, and thus played fast and loose with the question, you would weaken yourselves in the promotion of education and give encouragement to the party of his hon. Friend the Member for Rochdale. He (Mr. Cobden) would maintain that Government could do nothing for education until you separated secular and religious teaching. The right hon. and learned Gentleman opposite (Mr. Napier) said, why not set up on a better footing all the parochial schools in Scotland as they are now constituted, and give grants to other sectarian schools? Now, he put it to the right hon. and learned Gentleman if he did not believe that to be impracticable, for the right hon. and learned Gentleman well knew that there were religious parties in this country as earnest and conscientious as the Church itself, who renounce State grants and would not pay rates for the purposes of religious endowment, who would not receive endowments for religious purposes, and would not send their children to endowed schools, or where there were endowed teachers. The Census showed that there were many of the same opinion in Scotland. How was it in Ireland? Would the right hon. and learned Gentleman support a system by which Roman Catholics should be allowed to teach their religion in schools, and the Protestants to teach their religion in their schools? No! and the right hon. and learned Gentleman knew that there had been an attempt to escape from that dilemma, and an attempt to separate religious and secular teaching by adopting those extracts from the Scriptures which both parties could read. He (Mr. Cobden) said that all that you could do for national education would fail unless you met the religious objection as it had been met in America, in Prussia, in Holland, and elsewhere, by separating religious and secular teaching. Do not let him (Mr. Cobden) be called a secularist, or let it be said that he did not recognise the value of religious teaching as much as any one, but if you did not allow the separation of religious and secular teaching and instruction, as had been done in other countries, it was no use pottering over the question, for you would be at a dead-lock, and could not advance another step. You might pass this Bill, but it would cause another explosion in Scotland. He saw by the declaration signed by the Lord Provost of Edinburgh, himself a voluntary, that no voluntary will accept the Bill unless you abrogate the 36th clause, the 27th clause, and part of the preamble; and that no voluntary will place a child in the schools; and that no voluntary could accept the office of teacher. Now, if you excluded one-third of the population of Scotland, the Bill could not be operative. Not only was it possible to separate religious from secular instruction, but it had actually been done in America. In that country the school system was started precisely in the same manner as in Scotland, where there was one school and one Church for the community. The Catechism was taught in the school and every one learnt it. But when dissent sprang up in America it was found necessary to relax the system, and avoid teaching the Catechism where it was found to be an obstacle to the acquiring of secular knowledge. In many cases, where there were a large number of Roman Catholic children, it had been found necessary to abandon the reading of the authorised version of the Bible. But that had not at all interfered with the religious character of the American people. The hon. Member for Elgin (Mr. C. Bruce) had quoted an opinion of Mr. Tremenheere, and no doubt Mr. Tremenheere had found some eccentric person in America who stated that vital Christianity was perishing under the present system in that country. But was that the opinion in America, or was it the opinion of an intelligent

Swede, who had been recently travelling in that country, or was it the opinion of the deputation of the Congregationalists who went to America and reported on the state of religion, and stated that there were 2,000,000 of communicants there, and that there had been no such progress in evangelical religion since the time of the Apostles as had taken place there. Compare the religious feeling of England and America as evinced in the attendance in churches, the observance of the Sabbath, and the respect paid to ministers of religion, and he would venture to say that the state of religion in America was not second to that of England. Why could not what had been done in America be done in England? Why could not the experiment be tried in Scotland? He was told that you could not separate secular and religious education in England, for if you did no one would send their children to the schools. But he wanted to have that question fairly discussed in that House. Who would tell him that you could not have that separate teaching—for in practice you did have separate teaching—for religious teaching was mostly carried on by the clergy, and other teaching by the masters of schools. As regarded Scotland, was there any country in which there was less necessity for calling the masters to help the divine, who had always had his share of the religious teaching of the country? and twelve years ago, when there was a disruption of the Church, and 500 clergymen left it, their places were speedily filled again. He said that Scotland might try the experiment whether the schoolmaster could not be separated from religious teaching. Would any one have supposed, from listening to the debate that night, that its object was to improve the secular education of Scotland, but would they not rather have thought that it was a question between the old and the new Churches of Scotland? With regard to the clauses of the Bill, there was one which he was glad to see, that which went to improve the *status* of the schoolmasters. There never would be proper secular teaching till there was a better class of masters; and that could not be until you paid them better, and placed them more in the condition of the middle classes of society. On looking to the Census, he found that there were 1,100 masters, and the average of their salaries was 46*l*., with a garden and house of only two rooms, besides a kitchen. That showed what the notion of a schoolmaster was fifty years ago. A salary of 46*l*. to a schoolmaster gave him less than what a butler gets, and until they were better paid you had no right to expect a better class of masters. As to the clauses generally, as he intended to vote for the second reading of the Bill solely with the view of discussing the clauses in Committee, he would not now go further into the discussion of them at present. He should vote for the second reading also because the majority of Scotch Members on his side of the House were going to do so, and they ought to know best what their country required, and because he thought that education in Scotland, whatever it may formerly have been, was now defective. It was the opinion of Mr. Horace Mann that there were 1,000,000 of children in England not at school, who ought to be there, and in Scotland the same state of things apparently prevailed. Was it not necessary that working people should be placed in a position better to appreciate their social relations, and even their own interests, and that they should be so informed that they could carry out the more refined portion of our manufactures. A better education ought to be given to the working classes to enable them to understand their position with regard to their employers, and the questions of wages, and profits, and labour. For want of a proper understanding on this question, one of the great towns in the north of England had recently been socially convulsed. Schoolmasters were required who would teach the people the social relation between master and man, and so much of political economy as would enable them to avoid strikes and other acts of violence, by which they were so much injured. Mr. Whitworth had published an account of the state of matters in America, where it appeared they were in a far more satisfactory condition. England ought not to allow this to be so. If the Americans built a vessel which made the voyage across the Atlantic in two days less than our vessels, we should immediately set ourselves to work and tax our ingenuity to the highest to equal or surpass that vessel. But when America obtained a better educated and better conditioned set of workpeople, England was content to leave her in the enjoyment of her superiority. A better education would enable men to understand and appreciate their own position and that of employers; to see what capital could, and what it could not do, for them. The House might depend upon this, that if the schoolmaster were left to do his part, and were enabled to do it well, the clergyman would be able to perform his task, and perform it satisfactorily. It was, therefore, because he believed that by separating them, the interests of both would best be promoted, that he had, therefore, voted, and should continue to vote, for the separation of religious and secular education.

Mr. F. SCOTT said, that if we began by teaching children only their duty to man, and neglected to combine with it their duty to God, we could not expect to make them either good citizens or good Christians, and it was for this very reason that he objected to the Bill of the right hon. and learned Lord Advocate—that it did not take sufficient precaution to instil into the minds of the pupils the religious element. Not one of those who had spoken in favour of the Bill had given unqualified approbation to it. They had supported the Bill on the ground that they could make alterations in Committee. He thought that a Bill which proposed to make alterations in a system which had a period of 300 years to recommend it, ought to come to that House recommended by something of a more substantial character. The Bill took away all power of testing the religious belief of the teachers; it removed the teachers from clerical control, and placed them under a body subject to the influence of the Government of the day; and it abolished entirely all clerical superintendence. It must also be borne in mind that this Bill was held up as the pattern and model upon which another Bill might hereafter be framed, and he therefore claimed the support of English Members in the opposition which he felt it his duty to offer to the measure.

The LORD ADVOCATE said, he considered that the vote the House was about to give involved a question of much more serious importance than the success or failure of this particular Bill, for that vote would in fact decide whether a national system of education was possible not only in Scotland, but also whether a system of national education was possible in Great Britain. It was not to be disguised that the alternatives set before the House were clear and distinct. They must either have a national system of education based upon religious instruction combined with secular instruction; or a national system of secular instruction disconnected from religion; or the system commonly called denominational. He would not follow the hon. Member for the West Riding (Mr. Cobden) into discussion with respect to a system of secular education separated from religious instruction, because in Scotland, at all events, such a system was utterly impossible, for the people would not have it. If the hon. Gentleman could show that a system of secular education would be adopted by that House, or was practicable in Scotland, he (the Lord Advocate) would have to determine whether he would throw obstacles in the way of the education of the people. But he was confident the people of Scotland would not have such a system; neither did he believe that the House of Commons would not adopt such a system; the voice of the country was against it; and, in this discussion, they might as well throw that question aside altogether. Then there was the denominational system. They had the denominational system already in Scotland. It had been tried and proved, and had been found most unquestionably wanting. There were great evils connected with it. Before they could educate the people by the denominational system, they must be sure that the denominations were willing and ready and able to educate the people. By such a system they would render the education of the people dependent upon the will, the position, the feelings, and, it might be, the caprice of the denominations to which they trusted. The consequence would be, as had been found to be the case both in England and Scotland, that, while they were subsidising the denominations, ignorance would grow faster than the denominations could be subsidised. The denominations would erect their schools, not where they were wanted, but where it was most convenient to establish them, and ignorance and crime would remain as they were. If that were the case, then, they must endeavour to ascertain upon what footing they could establish a national system of education based upon the combination of religious with secular education. He had been told that he ought to have commenced this discussion with statistical statements. The hon. Gentleman who moved the Amendment (Mr. Stirling) had said, that he (the Lord Advocate) ought to have waited until a Parliamentary Commission had established the necessity of an enlarged system of education. The hon. Member for Rochdale (Mr. Miall) had also expressed surprise that he had not laid a foundation for the Bill, by showing that there was an amount of educational destitution which rendered this measure necessary. He (the Lord Advocate) admitted that he did not so commence the argument, because he thought that, at this time of day, he might safely take that fact as granted. He did not think it a matter to be decided by statistics, or by the average proportion of children educated throughout the country. What was it to him if one-fifth of the population of Inverness-shire or one-tenth of the population of Banffshire went to school? What was it to him if one portion of the population was highly educated while the remainder were in a state of the greatest ignorance? This was mere idle trifling and waste of time upon such a question. The hon. Member for Rochdale, in his very remarkable speech, had no sooner told the House that the people of Scotland were educated to the extent of one-seventh than he pointed out in the most graphic manner the class of society—the miserable and squalid dregs of society, who were the very ban of our social institutions—who require to be educated. Having done this, however, the hon. Gentleman asked what was the use of education for these classes? "They will be no better," said he, "if you do educate them. Light them, feed them, clothe them, let their houses be drained; but you must accomplish all this before education will do them any good." Surely, however, it did not escape the perspicacity of the hon. Gentleman that with all this misery ignorance was associated. The hon. Gentleman's argument was a lecture against education. He might have said, "Do not drain the houses of these people; it is of no use to do so if you don't give them light; don't light their houses because you cannot clothe them; don't clothe them because you cannot feed them." Now, was not this the very way in which they went on trifling with this question from one year to another? The argument of the hon. Member simply amounted to this—that we must change the face of society before we can ameliorate the condition of these people. Was the House, then, to sit down and do nothing until they could change the face of society? He (the Lord Advocate) admitted that this Bill would not effect what the hon. Gentleman desired to accomplish. It would not at once raise the class to which he had referred from ignorance and crime to the position of good citizens, but it was part of what Parliament was bound to do; and if the hon. Gentleman or any other hon. Member would propose a Bill which would effect the sanitary improvements to which he had alluded, and which would raise the physical as well as the moral condition of the people, he (the Lord Advocate) would not say, "I will not consent to carry out these sanitary improvements until you have educated the people." He (the Lord Advocate) had been disappointed with the tone which the discussion of this subject had assumed both in and out of that House. Surely the time had come when they could afford to throw aside their minor and narrower feelings, when they might cease to discuss whether this man or that man—this sect or that sect—was to have the management of schools, and when they might endeavour to ascertain, in a fair and philanthropic spirit, in what manner they could, if it were possible, consolidate the basis of their social institutions. This Bill was an attempt to accomplish that object. He thought the right hon. and learned Member for the University of Dublin (Mr. Napier) had greatly misconceived the grounds upon which the measure was based. The Bill started with the assumption that Scotland was a Presbyterian country; that Scotland was agreed in creed and in religion; that that country required a system of religious and secular instruction; and that any such system, under fair and popular control, should necessarily be a system based upon the Presbyterian canons, and upon the general creed professed by the Established Church and by the other Presbyterian denominations. The Bill proceeded upon the assumption that the people of Scotland were substantially agreed with regard to doctrine, and that they wished to have their children educated according to that doctrine. The Bill had been before the country for two months, and he would admit that it had met with a variety of opponents. One man objected that it excluded religious teaching; another opposed it because it included religious instruction. He read a pamphlet the other day, bearing the signature, "J. C. Colquhoun," which endeavoured to prove that the Bill involved the American system, while the hon. Member for the West Riding (Mr. Cobden) had to-night held up the American system to him (the Lord Advocate) as the model he ought to have adopted, and complained that he had not followed it. He found the most extraordinary coalitions existing in Scotland with reference to this measure. The Rev. Dr. Muir and Lord Dunfermline had joined in opposing it. The measure might, perhaps, be too liberal for the one, while there might be too much of the religious element in it for the other. After all, however, the Bill had received a very large amount of support in Scotland, not from the Free Church, as had been represented, but from moderate and philanthropic men of all denominations. He had the other night presented a petition adopted almost unanimously in favour of the Bill from the town council of Glasgow, which contained a large proportion of the members of the Established Church. He had also presented another petition to the same effect from members of the Established Church in Glasgow, and that petition, which did not emanate from a public meeting, but was laid upon the table of the Glasgow Exchange, received in a few days the signatures of more than 100 men of the highest reputation, respectability, wealth, and intelligence in that city, including the Lord Provost, the Dean of Guild, and twelve elders of the Church. Now, why was this? The reason was, that Glasgow was a place where poverty and wealth ran shoulder to shoulder, and where crime held its revels close by the palaces of the merchant princes of the west. They saw that crime before their eyes day by day; they knew that, while these vain contentions continued, the time would come when the evil would have overgrown any efforts they could make; and they felt the period had arrived when contention should be laid aside, and when they should set themselves earnestly to work to remedy the existing evils. The object of the Bill was, in the first place, to regulate the parochial schools, which they could not help dealing with in consequence of the position of the parochial schoolmasters. It was proposed, not only to give the parochial schoolmasters the position they held before the expiration of the Act, but almost to double their salaries. It was proposed to give them *50l.* a year as the maximum—nearly double what they previously received—and *25l.* as the minimum salary, to increase the house accommodation, and to give the masters retiring allowances, which they had not previously enjoyed. It was also proposed to give facilities with regard to dismissals and superintendence which had not hitherto existed. Then, with respect to additional schools, the hon. Gentleman who had complained that no inquiry had been instituted seemed to have forgotten entirely the provisions of the Bill. The first provision of the measure was that there should be an educational survey of Scotland, to be completed on a scale never yet attempted, the result to be reported to Parliament in two years. Some hon. Gentlemen had complained that this was not a final measure. It was not, and never was intended to be, a final measure, but it was intended to lay an authentic and authoritative basis for legislation. Not only was a survey to be instituted, but, while it was in progress new schools were to be established wherever the necessity for them was found to exist. Was this, then, legislating in the dark, or putting the cart before the horse, as one hon. Member had been pleased to state. The Bill contained another clause, which he regarded as one of its most important provisions. They wished to establish a system of reformatory schools, and that their opponents proposed to put an end to. They were going to try an experiment which many of the best friends of civilisation had wished to try, and against the means to be employed he had heard nothing like an argument, yet this also was to be rejected on the second reading. On what ground were provisions which all admitted to be beneficent, to be thus sacrificed? The objections brought were twofold, and singularly inconsistent in their character, one, that they proposed to do away with the test which limited the choice of schoolmasters to the Established Church, and that they made provisions which were said to be insufficient for religion; the other, that they were dealing with the religious question, and left power in the hands of the Establishment. With respect to the latter class of objections, it was not necessary to deal with them in detail. The voluntary party in Scotland had behaved with great moderation on this subject; although individual speeches had been made to which that description was not applicable, yet throughout the voluntary party he had many good friends to this measure. One of these he could not resist the pleasure of mentioning, than whom a more trustworthy, stout-hearted Liberal never breathed, a gentleman who was known to most Members of that House, but who was intimately known and respected by all the Scottish Members—Mr. Adam Black; and he, the leader of the voluntary party in Scotland, came boldly forward and said that, however much he might wish to see this Bill modified in certain particulars, still he was too good a friend to his country to think of opposing it. The real reason why they wished to sacrifice this Bill was, because it proposed to take the exclusive power out of the hands of the Established Church of Scotland. There was no other reason; it was not because there was not sufficient security for religion, for that security could be given without making members of the Established Church the only parties eligible to the office of schoolmasters; but they would not take any security but one, and that was the security which secured a monopoly. He was entitled to say that, for he had said to the hon. Gentlemen opposite, and he said it again, "If you are willing to surrender that test, which only limits the choice of good men to a particular class, who hold the same opinions with their brethren, differing only in belonging to a particular communion, I am ready to meet you on the rest of the clauses of the Bill, and consider them with you." He was not wedded to any particular mode of carrying out his views, but he saw plainly that if that test were not done away with, it would be utterly impossible to carry out any reform whatever. Hon. Gentlemen opposite did not like the Census return, which had been published most opportunely, and which disclosed a state of things which he was certainly not prepared for and did not expect. He asked hon. Gentlemen to consider the position of the Church of Scotland with reference to the other sects. The Dissenters in Scotland belonged nearly to the same denomination as the Established Church, one portion of whom went off in 1730 on the question of patronage, and the other in 1843, on account of the undue interference of the civil courts, but both one and the other maintained the doctrines founded by John Knox at the time of the reformation of the Scotch Church. This test was not a test which made the schoolmaster declare a certain confession of faith, but one that made him declare that he was a member of the Church of Scotland, and no person but a member of that communion could be chosen for a schoolmaster. Now, if they were to pay Government money under this Bill to place those schools on a proper footing of efficiency, he contended that Government and Parliament were perfectly entitled to consider whether these or any other provisions were necessary for the good of the Established Church. He would ask hon. Gentlemen who occupied the bench opposite to him whether it was possible to say with any show of justice or reason that, in the state of things he was now going to describe, this test could be maintained. Taking the five northern counties of Scotland—namely, Caithness, Sutherland, Inverness, Ross, and Nairn, he found by the returns in the Census for the different towns that the proportion of the Established Church was 6,000, and that of the Free Church 41,000. Could they say that if there were established a national system of schools in those northern counties, where the proportion was something more than six to one, the choice of schoolmasters should be confined to that which had the smaller proportion? It might be said this was an exceptional case—unfortunately it was too general. It made the heart bleed to see the confusion and jealousy that were engendered by the present system—to see children who were learning the same thing taught to look with suspicion on each other because they attended different schools. So long as they maintained the present system, they must expect to see the spirit of disunion subsist; but let them remove the barriers which now kept the different classes of pupils apart, and they might see those mingling in harmony who were now separated. But if those northern counties were exceptional counties, how did it stand with others? Let them take the larger counties of Aberdeen, Forfar, Perth, Lanark, and Edinburgh. He could not give them the figures in each instance, but he could tell them the Established Church numbered 102,000 to 117,000 of the Free Church and 17,000 of the United Church, making together 134,000; and on what principle he would ask, if a national system of education were to be established in Scotland, could they hope to maintain the choice of schoolmasters for the particular denomination of the Established Church? It might be said he wished to attack the Church of Scotland, but he was convinced that the sweeping away this subject of contention was doing a most friendly act to that Church. The real difficulty, therefore, being entirely on their side, it was only for them to say they did not insist on the schoolmaster taking that test, and there would be an end of it. He came next to the question of superintendence of the Church. In the observations which he had the honour to make on the introduction of the present measure, he never stated that he considered the question of superintendence as one of the same importance as that of the test; and he did not know, if the question of test were given up, that that of superintendence need trouble them, but he felt it necessary to make a few remarks upon it in consequence of some observations which had fallen from his hon. Friend the Member for Perthshire (Mr. Stirling) and an allusion made by another hon. Member. It seemed to be supposed that the preamble of the Bill, and the observations he had made with respect to the superintendence of the schools, were intended as a slight, and that he was throwing a slur upon the Church of Scotland. If, in any observations he had made there was the least expression tending to create such a feeling, he should be the first to acknowledge his error, and say that his former speech on the subject was a little too highly coloured, or contained expressions of too strong a character; but, on the other hand, when he found that a Committee or Commission of the General Assembly of the Church of Scotland had stated that the preamble of the Bill was a foul calumny, he felt himself impelled to make a few explanations, and he would say, in the first place, that the expressions he had used did not relate to the gentlemen who seemed to have taken them so much amiss. He was speaking of that period of the history of the Church of Scotland, when those gentlemen either for good or evil had not much to do with the swaying of her councils; he was thinking of that period of the history of the Scottish Church, when men with whom he himself had been associated, ruled her councils, when Andrew Thompson and Thomas Chalmers left the Church of Scotland what she was—the cheapest, the most hard-working, the most popular Church. It had been his good fortune to live on terms of intimacy with those men of liberal hearts, distinguished knowledge, sympathising with the people and possessing the confidence of the people. They well knew the Church of Scotland, and they had been forced to lament that under the present system of superintendence the parochial schools had, in many instances, been debased and degraded. It was a notorious fact that between 1800 and 1825 the parochial schools had been going down, and he believed that there had never been, for 150 years, a period in the history of Scotland when the schools had been so low, and the management so low, as in that latter year. From 1830 to 1835 occurred that revival in the mode of education, under the superintendence, he believed, of the late Dr. Welsh, and when that unfortunate disruption happened in 1843, the Free Church went out, and carried on their system of education, and the other remained behind, and carried on theirs. The laws by which the superintendence of the presbytery is regulated rendered it impossible that such superintendence could be efficient. They could not remove a schoolmaster without his being proved guilty, and to prove him guilty the presbytery at their own expense must prefer an indictment against him, and such cases were very liable to be upset at the Court of Session. The result had been that schoolmasters who have been tried for most intolerable offences had succeeded, under some point of law, in escaping; but it had more often happened that the presbytery, wearied out with the law's delay and expenses, had rather allowed an inefficient schoolmaster to remain in his situation than be dragged through all the proceedings necessary to obtain his removal. He knew it to be the case that, from this state of the law, in many, many parishes the schools were ineffective, owing to an inefficient master continuing in his situation during the whole of his life. He thought it right, without entering further into these facts, to state to the House, not on evidence extrinsic, but from the minutes of the General Assembly, from which it appeared that in 1799 an order was issued that the presbyteries should send up annual reports as to the schools within their bounds. This order was systematically disobeyed. The last of these reports was dated 1832–3; and from the minutes it appeared that in 1832 twenty-two presbyteries, including a great many parishes, had made no return, and of these two had made no return during the last five years, and nine had made none during the last six years, and the minutes recommended that measures should be adopted in order to obtain better compliance with the order. He was, therefore, justified in his observations on the superintendence of the presbytery, when he said that, taken in detail, it had not proved efficient; and he accordingly proposed this Bill, with a view of remedying this deficiency. He was told that they were upsetting the parochial schools. Where was it supposed, then, that the governing power was placed? It was taken from the presbytery, but was placed in the hands of the minister and the heritors or landowners of the parish; and although the presbytery might annually have visited the schools, still it was the minister and the landowners who in practice substantially managed the school. They had taken the power from a general and placed it in a local body—inspectors were to make their reports, and over these authorities was placed the general board. With regard to the provisions for securing religious instruction, he would tell hon. Members opposite that he had always felt that, theoretically, there was much difficulty in saying that instruction in religion should be taught by a schoolmaster, without having some security for the character of the man. This was one of the objections which he felt he had a right to complain of being urged on the second reading of the Bill, for he was most desirous to obviate these difficulties, and to meet the views of those who raised such objections, by introducing important modifications. It was intended that the provost or delegate, as the town councils might choose, of Edinburgh, Glasgow, Perth, and Aberdeen, and also the principals of the Universities of Edinburgh and Glasgow, and two delegates from the Universities of St. Andrews and Aberdeen, should be *ex officio* members of the general board, so that they would at all events have at least four, if not six, ecclesiastics at the general board agreeing in their religious tenets, thus affording sufficient security for the religious character of the system. He trusted, as a result of this measure, a system of normal training would have arisen, so that they might not have had to depend upon any test for the character of teachers, but on a normal system of training, where those who had educated them might certify as to the characters of those teachers who were sent out. It was impossible to have introduced such a system into the present Bill; but it was one which he wished to see result from it. He thought he had now disposed of the objections as to the removal of the schools from the superintendence of the presbytery, but then he was told that there was no security for religion. The hon. Member for the West Riding (Mr. Cobden) said that it was stated that religion was to be taught; but it had not been said what that religion was to be. It was unnecessary, with regard to Scotland, to have stated this; and he hoped he was not wrong in the trust he thus had placed in the people of Scotland, for if these hopes were erroneous, then there was no meaning in, or foundation for, this Bill, unless they were agreed in establishing in these schools the Presbyterian faith, and this was sufficiently stated and provided for by the preamble and 27th clause of the Bill. He was most willing that the clause with reference to the removal of schoolmasters should be modified, and also that several other matters should be so treated, and this could better be done in Committee. With regard to the position in which the Bill placed Episcopalians and Roman Catholics, he considered that the clause bearing upon this, the 36th—the denominational clause—had been much misunderstood. This clause was introduced to obviate the difficulty that was felt that in attempting to set up a national system of education, and to impose a national rate, it was quite plain that many who would have to pay that rate could not take advantage of this system of education. He was of opinion that it was impossible to call upon parties to pay a rate for which they did not receive a good and substantial return; and he was sure he might, on behalf of the Government, say that they did not feel themselves in a position to conscientiously ask Episcopalians and Roman Catholics to subscribe towards a national educational rate, at the same time that they could not assist them in the education of their children. He felt that great responsibility had rested upon him in introducing this Bill, but he did not see how human ingenuity could have framed it to have subscribed for more assistance than he had done—he could not see how, by walking either to the right or the left, he should not have caused two opponents to rise up for the one he had conciliated. If he had listened to the Established Church, he would have had all the rest of Scotland opposed to him; if, on the other hand, he had listened to the secularists, he would have had the Free Church, the Established Church, and the great majority of that House, opposed to him. He, therefore, asked hon. Gentlemen, if they could not show him a better plan for a system of education, to follow then that which he had proposed, and he trusted that the division would show that, however separated they might be in abstract opinions, yet that they were one in doing their best to relieve their country from misery and ignorance.

Mr. BOWYER said, that the only objection he had to the very able speech addressed to the House by the right hon. and learned Lord was, that it was too much a speech in the interest of the dominant Church of the majority without regard to the interests of the minority. [*Cries of* "Divide."] He stood there as the representative of a minority, and as such he trusted he should be permitted to make a few observations. That minority under the present system enjoys certain advantages which they highly appreciate. They had their share in the grants that were distributed by the Committee of Council; they had inspectors belonging to their own communion, and the management of the schools was under the direction of the clergy and prelates of their Church. The right hon. and learned Lord dwelt very much upon the fact that the system introduced by this Bill was a Presbyterian system. He had spoken of the value which the people of Scotland set upon their religion, and the value they set upon religious education. But the minority, for whom he (Mr. Bowyer) was addressing the House, also set a great value upon religious education, and he asked from the Government some assurance that the rights of that minority would not be neglected, and that that minority should have the same advantages as they now enjoy under the present system.

The LORD ADVOCATE said, he did not make himself understood to the hon. and learned Gentleman, if he did not understand him to say, that if it were not possible to make the Episcopalians and Roman Catholics better in the matter of education, most assuredly they would not be made worse.

Question put.

The House *divided:*—Ayes 184; Noes 193: Majority 9.

List of the Ayes.

Adderley, C. B.
Anderson, Sir J.
Atherton, W.
Baines, rt. hon. M. T.
Baird, J.
Ball, J.
Bass, M. T.
Beamish, F. B.
Berkeley, C. L. G.
Biggs, W.
Blackett, J. F. B.
Bonham-Carter, J.
Bouverie, hon. E. P.
Bowyer, G.
Boyle, hon. Col.
Brady, J.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Brown, H.
Bruce, H. A.
Buckley, Gen.
Byng, hon. G. H. C.
Cardwell, rt. hon. E.
Chambers, T.
Cheetham, J.
Cobbett, J. M.
Cobden, R.
Cockburn, Sir A. J. E.
Coffin, W.
Colvile, C. R.
Cowan, C.
Craufurd, E. H. J.
Dalrymple, Visct.
Dashwood, Sir G. H.
Davie, Sir H. R. F.
Divett, E.
Drumlanrig, Visct.
Drummond, H.
Duff, G. S.
Duff, J.
Duncan, G.
Dunlop, A. M.
Elcho, Lord
Ellice, E.
Elliot, hon. J. E.
Euston, Earl of
Ewart, W.
Fagan, W.
Feilden, M. J.
Fergus, J.
Ferguson, Col.
Ferguson, Sir R.
Ferguson, J.
FitzGerald, Sir J.
Fitzgerald, J. D.
Fitzroy, hon. H.
Fitzwilliam, hn. C. W. W.
Fitzwilliam, hon. G. W.
Foley, J. H. H.
Forster, C.
Forster, J.
Fox, R. M.
Fox, W. J.
Freestun, Col.
Gardner, R.
Gibson, rt. hon. T. M.
Gladstone, rt. hon. W.
Glyn, G. C.
Goderich, Visct.
Goodman, Sir G.
Gower, hon. F. L.
Graham, rt. hon. Sir J.
Greene, J.
Gregson, S.
Grey, rt. hon. Sir G.
Grey, R. W.
Hall, Sir B.
Hankey, T.
Hastie, Alex.
Hastie, Arch.
Herbert, rt. hon. S.
Hervey, Lord A.
Heywood, J.
Higgins, G. G. O.
Hindley, C.
Horsman, E.
Howard, hon. C. W. G.
Hughes, W. B.
Hume, J.
Hutt, W.
Ingham, R.
Johnstone, J.
Johnstone, Sir J.
Keogh, W.
Kershaw, J.
King, hon. P. J. L.
Kinnaird, hon. A. F.
Laing, S.
Langston, J. H.
Langton, H. G.
Layard, A. H.
Lemon, Sir C.
Lindsay, W. S.
Locke, J.
Lowe, R.
Luce, T.
Macaulay, rt. hon. T. B
M'Cann, J.
MacGregor, John
M'Taggart, Sir J.
Mangles, R. D.
Marjoribanks, D. C.
Marshall, W.
Massey, W. N.
Matheson, A.
Matheson, Sir J.
Milligan, R.
Mills, T.
Milner, W. M. E.
Michell, W.
Moffatt, G.
Monck, Visct.
Moncreiff, J.
Monsell, W.
Morris, D.
Mostyn, hon. T. E. M. L.
Muntz, G. F.
Mure, Col.
Murrough, J. P.
Norreys, Lord
Norreys, Sir D. J.
O'Brien, P.
O'Brien, Sir T.
O'Connell, D.
Oliveira, B.
Osborne, R.
Otway, A. J.
Paget, Lord A.
Palmerston, Visct.
Pechell, Sir G. B.
Phillimore, J. G.
Phillimore, R. J.
Phinn, T.
Price, W. P.
Ricardo, O.
Rice, E. R.
Richardson, J. J.
Roche, E. B.
Russell, Lord J.
Sadleir, John
Sawle, C. B. G.
Scholefield, W.
Scobell, Capt.
Scully, F.
Scully, V.
Seymour, W. D.
Smith, J. A.
Smith, J. B.
Smollett, A.
Stafford, Marq. of
Strutt, rt. hon. E.
Stuart, Lord D.
Sullivan, M.

Talbot, C. R. M.
Thicknesse, R. A.
Thompson, G.
Thornely, T.
Thornhill, W. P.
Traill, G.
Vivian, J. H.
Vivian, H. H.
Walmsley, Sir J.
Walter, J.
Warner, E.
Whitbread, S.
Wickham, H. W.
Wilkinson, W. A.
Williams, W.
Wilson, J.
Winnington, Sir T. E.
Wortley, rt. hon. J. S.
Wyvill, M.
Young, rt. hon. Sir J.

TELLERS.

Hayter, rt. hon. W. G.
Mulgrave, Earl of

List of the Noes.

Acland, Sir T. D.
Alexander, J.
Annesley, Earl of
Arbuthnott, hon. Gen.
Archdall, Capt. M.
Arkwright, G.
Bailey, Sir J.
Bailey, C.
Baillie, H. J.
Ball, E.
Baldock, E. H.
Bankes, rt. hon. G.
Barnes, T.
Barrington, Visct.
Barrow, W. H.
Bateson, T.
Beach, Sir M. H. H.
Bective, Earl of
Bell, J.
Bentinck, Lord H.
Bentinck, G. W. P.
Beresford, rt. hon. W.
Blair, Col.
Boldero, Col.
Booker, T. W.
Booth, Sir R. G.
Bruce, C. L. C.
Buller, Sir J. Y.
Burrell, Sir C.
Butt, G. M.
Butt, I.
Cairns, H. M.
Campbell, Sir A. I.
Carnac, Sir J. R.
Cayley, E. S.
Cecil, Lord R.
Child, S.
Christopher, rt.hn.R.A.
Christy, S.
Clinton, Lord C. P.
Clive, R.
Cocks, T. S.
Codrington, Sir W.
Compton, H. C.
Conolly, T.
Crossley, F.
Davies, D. A. S.
Davison, R.
Deedes, W.
Dod, J. W.
Duncombe, hon. A.
Duncombe, hon. O.
Dundas, G.
Dunne, Col.
Du Pre, C. G.
East, Sir J. B.
Egerton, Sir P.
Egerton, W. T.
Egerton, E. C.
Emlyn, Visct.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Floyer, J.
Follett, B. S.
Forbes, W.
Forster, Sir G.
Franklyn, G. W.
Frewen, C. H.
Gallwey, Sir W. P.
Galway, Visct.
George, J.
Gladstone, Capt.
Graham, Lord M. W.
Greaves, E.
Greenall, G.
Greene, T.
Grogan, E.
Gwyn, H.
Hadfield, G.
Halford, Sir H.
Hall, Col.
Hamilton, G. A.
Hamilton, J. H.
Harcourt, Col.
Hayes, Sir E.
Henley, rt. hon. J. W.
Herbert, H. A.
Heyworth, L.
Horsfall, T. B.
Hotham, Lord
Hudson, G.
Hume, W. F.
Irton, S.
Jolliffe, Sir W. G. H.
Jones, Capt.
Jones, D.
Kendall, N.
Kennedy, T.
King, J. K.
Knatchbull, W. F.
Knightley, R.
Knox, Col.
Knox, hon. W. S.
Langton, W. G.
Lennox, Lord A. F.
Lennox, Lord H. G.
Liddell, H. G.
Lindsay, hon. Col.
Lisburne, Earl of
Lockhart, A. E.
Lockhart, W.
Long, W.
Lovaine, Lord
Lowther, Capt.
Lucas, F.
Macartney, G.
Mackie, J.
MacGregor, Jas.
Maguire, J. F.
Malins, R.
Manners, Lord G.
March, Earl of
Meux, Sir H.
Miall, E.
Miles, W.
Montgomery, H. L.
Montgomery, Sir G.
Moody, C. A.
Moore, G. H.
Mowbray, J. R.
Mullings, J. R.
Mundy, W.
Naas, Lord
Napier, rt. hon. J.
Neeld, J.
Newdegate, C. N.
Oakes, J. H. P.
Packe, C. W.
Palk, L.
Palmer, R.
Pellatt, A.
Pennant, hon. Col.
Percy, hon. J. W.
Peto, S. M.
Pilkington, J.
Pritchard, J.
Repton, G. W. J.
Robertson, P. F.
Rolt, P.
Sandars, G.
Scott, hon. F.
Seymer, H. K.
Shirley, E. P.
Sibthorp, Col.
Smijth, Sir W.
Smith, W. M.
Somerset, Capt.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Starkie, Le G. N.
Sturt, H. G.
Swift, R.
Taylor, Col.
Thesiger, Sir F.
Tollemache, J.
Tomline, G.
Trollope, rt. hon. Sir J.
Tudway, R. C.
Tyler, Sir G.
Vance, J.
Vane, Lord A.
Vansittart, G. H.
Vyse, Col.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Walsh, Sir J. B.
Welby, Sir G. E.
West, F. R.
Whitmore, H.
Wigram, L. T.
Williams, T. P.
Wise, A.
Woodd, B. T.
Wyndham, Gen.
Wyndham, H.
Wynn, Major H. W. W.
Wynn, Sir W. W.
Wynne, W. W. E.
Yorke, hon. E. T.

TELLERS.

Stirling, W.
Dalkeith, Earl of

Words *added;* Main Question, as amended, put, and *agreed to.*

Second reading *put off* for six months.

The House adjourned at Two o'clock, till *Monday* next.

HOUSE OF LORDS,

Monday, May 15, 1854.

Minutes.] Public Bills.—1ª Railway and Canal Traffic Regulation; Witnesses.

BANKRUPTCY AND INSOLVENCY (SCOTLAND) BILL.

Lord BROUGHAM said, that he had to *present* to their Lordships a petition in favour of this Bill from the most important Chamber of Commerce in the kingdom—that of Liverpool. It comprised nearly 2,000 members of the mercantile body of that great port, and although the petition which he held in his hand, according to their Lordships' rules, could only be taken as that of their chairman, by whom it was signed, it was, in fact, their petition. A noble Earl (the Earl of Harrowby) near him, informed him that he had also a petition to the same effect from the Guardians of Trade in the same borough, a body which numbered amongst its members nearly 1,800. The interest in favour of the Bill was not confined to the mercantile body of England, and a statement which had been made in that House last week with respect to the discontent which this Bill was said to have excited in Scotland was very inaccurate, indeed wholly groundless. The other day his noble and learned Friend on the woolsack presented a petition against this Bill, with eighty or ninety signatures, purporting to be those of merchants, bankers, and traders of the city of Glasgow. Now, he had since ascertained that at least twenty-eight of the persons were not what they professed to be —that they were, in fact, sailing under false colours, and that, while stating themselves to be merchants, bankers, or traders, they were accountants, writers, or law agents, who thought, and perhaps justly so, that the Bill in question was inconsistent with their interests, and who were therefore canvassing Scotland against it. That in thus mis-describing themselves they had committed a breach of the privileges of the House was undeniable. He did not, however, mean to deny that the names of a considerable number of respectable persons, who were really members of the mercantile and trading classes, were affixed to that petition. He wished also to mention another instance of the impositions which had been practised upon that, and he believed also upon the other House of Parliament. Last October a public meeting, attended by 200 or 300 of the most respectable mercantile men in Glasgow, was held for the purpose of considering this Bill. It so happened that a gentleman, not a merchant or trader, but a lawyer—one of those writers, agents, or accountants before referred to, attended. This individual addressed the meeting in a long speech, which he read from a written paper. And the consequence was that by the time he had concluded, the meeting dwindled down to thirty-two or thirty-three persons, the rest having been dispersed by the reading. A division then took place, and it was found that there had been a great discrimination in the departures from the meeting, the writers, accountants, and lawyers had remained, while the merchants and traders had gone away; and accordingly a resolution approving the general purport of the Bill, which was made by a respectable merchant, was rejected by a majority of four; the numbers being, twenty-one against, and seventeen for it. Of this majority of twenty-one no fewer than seventeen were accountants or law agents. The next day 250 members of the mercantile class met, and appointed a committee, composed of twenty of the most influential members of their body, to examine the Bill in all its details. That committee reported that they had gone through it, clause by clause, and that they had proposed certain minor alterations, but that without a dissentient voice they were in favour of the leading principle of the Bill—the introduction of local judicial control—and that they looked forward to its adoption most anxiously, and with the greatest expectation of the benefits it would confer upon the country. They stated that the only part of the Bill which they felt any great difficulty in affirming was that relating to the appointment of official assignees; the majority of their number being, not against the appointment of official assignees in the abstract, but against the particular provisions of this measure on that subject. He had already presented to the House petitions in favour of the Bill from Glasgow, signed by 700 merchants and traders; from the Chamber of Commerce at Dundee, from the county of Fife, from merchants in London who had capital to a vast amount embarked in trade with Scotland, two from Manchester, from the Chamber of Commerce at Leeds, Bradford, Nottingham, and Huddersfield, and one from Carlisle. These petitions might be said to represent the united sense of the great mercantile body in both parts of the island, and therefore it was with the greatest possible reluctance that he postponed, even for a short period, proceeding with the Bill. He felt, however, that in the present state of the inquiries respecting the amendment of the English and Irish bankrupt law, he should do best in not pressing immediately —that was, this week or next—the further procedure with the Bill. Not only, however, would he not abandon it, but he would not postpone it indefinitely; being resolved not to put it off for more than a short period, and until he had seen the course taken with regard to those other measures with which it had an intimate connection. For the present then, for this week and the next, and until he saw what was done with the other inquiries, he should not further proceed with this important Bill. He must add one remark with respect to it. It had been said that it was a measure for altering the whole Scotch bankruptcy and insolvency law, and for introducing the English law in its stead. Now, the fact was, that this Bill of 260 clauses re-enacted word for word the whole of the important provisions of the Scotch Bankruptcy Act, commonly called Professor Bell's Act, passed eighteen or twenty years ago, and the changes introduced related to procedure.

The Earl of EGLINTON was glad to hear that the noble and learned Lord did not intend to go on with his Bill at present, and he hoped it would be withdrawn altogether. [Lord Brougham: No, no!] As the noble and learned Lord knew, deputations on the subject had been in London on more than one occasion, and were now here, and it would be a very inconvenient course for him to say he postponed the Bill, not for two or three weeks, but until he thought fit to proceed with it. He trusted, therefore, he would either withdraw the Bill or postpone it for some definite period. Several of the petitions presented against the measure by the Lord Chancellor came from some of the most influential parties in Scotland. It seemed to him (the Earl of Eglinton) that the two bodies likely to be the best judges of the proposed alterations in the law were lawyers and mercantile men; and he believed he was justified in saying that the lawyers in Scotland without a single exception were opposed to the noble and learned Lord's Bill, and he was perfectly convinced that an enormous majority of the mercantile men of that country were of the same mind. He hoped the noble and learned Lord would therefore act in accordance with the opinion of the great majority of the people of Scotland, and withdraw the Bill.

Lord BROUGHAM maintained that the noble Lord was misinformed when he said that the bulk of the mercantile community was against the Bill. He could put into the noble Lord's hand a list of the names of 250—not writers, law agents, and accountants, under the disguise of mercantile men—but real mercantile men, traders, bankers, and manufacturers, all resident in that part of Scotland to which the noble Lord had referred—namely, Glasgow; and that would convince the noble Lord how misinformed he had been as to the bulk of the mercantile community being adverse to the Bill.

Petition ordered to lie on the table.

THE WAR WITH RUSSIA—
THE "ANDES" STEAM TRANSPORT—EXPLANATION.

The Duke of NEWCASTLE said, he wished to say a few words in reference to a question which was put to him at the last meeting of the House, by a noble Marquess (the Marquess of Clanricarde), whom he did not now see in his place, as to whether he had any information as to the statement which appeared in the newspapers, that the steamer *Andes*, in conveying a body of troops to the East, took fire near Malta, and had, at the time of the occurrence, only two boats on board. He (the Duke of Newcastle) then informed their Lordships that it was true the ship had caught fire; but that, from the news received at the Admiralty, and also at the Horse Guards, from the general commanding the troops at Malta, and the colonel of the regiment on board, he had the greatest reason to suspect that the statement as to the boats was not correct, inasmuch as the reports in the possession of these departments, although very ample as to the whole state of the case, did not mention that circumstance, which obviously would have been the first to attract attention. He stated, at the same time, that all such vessels were surveyed by officers appointed by the Admiralty, and that it was impossible that such a circumstance could have escaped the notice of the inspector, and that the greatest possible neglect would be chargeable at the door of the port officer at Liverpool, if that accusation could be substantiated. He was now in a position to state that his suspicions were entirely accurate, and that the anonymous statement which appeared in the newspapers, which was brought forward by the noble Marquess, and alluded to by the noble Earl (the Earl of Ellenborough), was entirely inaccurate. So far from there being only two small boats on board the *Andes*, there were six boats, five only being required by the Act of Parliament. He had felt convinced in his own mind at the time that such would prove to be the case (although he could not venture to state it too strongly), not only on account of the importance of the duties devolving on the Admiralty officers, and his certainty that they could not have failed so grievously, but also from his knowledge of the character of the gentleman to whom the *Andes* belonged (Mr. Cunard); and he had his authority, as well as that of the officer at Liverpool, for stating that the *Andes* was supplied with six boats. He would add one word more with reference to another accusation which was made in that same letter—namely, as to the danger which arose from the quantity of gunpowder on board. It was a matter notorious to everybody, that when a military expedition was sent out from this country gunpowder must accompany it, and the only thing that must be taken care of is to see that the powder be properly stowed. In the case of the *Andes*, as in the case of every other vessel of the expedition, a powder magazine was built expressly for the purpose, and therefore every precaution was taken that was possible under the circumstances.

EARL GREY said, he wished to ask, with reference to the last remark of the noble Duke, whether there were on board the *Andes* any means of drowning the powder magazine in case of danger from fire? From the account given in the newspapers it appeared that the magazine was in danger, and that a quantity of cartridges were thrown into the sea—a process of extreme danger under the circumstances. He thought it absolutely necessary, when troops were going on foreign service, that the ammunition should not be conveyed in the same ships with a great number of men, unless the most perfect arrangements were made.

THE DUKE OF NEWCASTLE said, he certainly was not able to give an off-hand answer to the question of the noble Earl; but he apprehended that every precaution which was generally taken on board men-of-war was taken on board the ship in question, inasmuch as her magazine was built on the same principle and under the same directions. After the extraordinary inaccuracy of which the newspaper correspondent had been detected in one respect, he hoped their Lordships would believe that there was not so much blame to be attached to the officers as might have been at first supposed.

THE MARQUESS OF CLANRICARDE said, he had only to express his satisfaction at the statement of the noble Duke. It would be a great satisfaction also to the public to be informed that no reliance could be placed on those newspaper statements, and also that sufficient care was taken by Her Majesty's Government for the safety of the troops forming the expedition. But he must say there was one precaution which had not been taken. As these ships were taken up by contract, it would be very easy to take care that in the document a sufficient number of boats should be specified as part of the contract. He believed that in the Motion of the noble Earl then on the table a copy of the contract was included; so that they should see by and by whether that had been the case or no. But whether or no such had hitherto been the practice, there could be no difficulty in taking care that such a specification was included in future. In this case it would have been very possible that the proper number of boats were on board at the time when the ship was surveyed by the officer and his return made; but, if he remembered rightly, there was some statement in the newspaper to the effect that, in consequence of some particular crowding, the boats belonging to the ship were left ashore or behind, although they had been provided by the contractor. It was satisfactory, however, to be told that the whole story was without foundation.

THE EARL OF ELLENBOROUGH said, that as far as it appeared to him, there was no specification of boats in the contract; it appeared that the Admiralty relied upon the provision of the Act of Parliament, that there should be five. But it was not sufficient even to specify the number of boats, the matter of importance was, that the boats should be able to contain all the men on board. It was obviously necessary to have a large additional number of boats in vessels used as transport ships. A man-of-war in her ordinary boats could carry 300 persons. Now, he should like to know how many the five boats of the *Andes* could have carried? There were 1,050 men on board, and he wished to know what proportion of them could have been saved had the fire not been got under? He wished also to point out that the statement did not proceed on the faith of a newspaper correspondent, but was made by the ordinary correspondent at Plymouth, from a letter received by a gentleman of that port from an officer of the Royals who was on board the *Andes* at the time.

MESSAGE FROM THE QUEEN—

THE MILITIA CALLED OUT.

Message from the QUEEN—*Delivered* by the Duke of Newcastle, and read by the LORD CHANCELLOR, as follows:—

"VICTORIA R.

"The operations of the War in

which Her Majesty is engaged with the Emperor of Russia having rendered it necessary to send a large Part of Her Majesty's Regular Forces abroad, Her Majesty deems it proper to provide without Delay additional Means for the Military Service at Home; and therefore, in pursuance of the Act of Parliament enabling Her Majesty to call out and assemble the Militia of the United Kingdom, Her Majesty has thought it right to make this Communication to the House of Lords, to the end that Her Majesty may cause the said Militia, or such Part thereof as Her Majesty shall think necessary, to be forthwith drawn out and embodied, and to be disposed and posted as Occasion shall require."

CAPITAL EXECUTIONS.

The Bishop of OXFORD *presented* a petition from inhabitants of Aylesbury and the neighbourhood, praying for some alteration in the mode of administering capital executions. This subject had been recently brought to the attention of the petitioners by the execution of Moses Hatto, which took place in that borough, and had forced upon their consideration what were the moral effects of a public execution; and they said, that from the experience of what took place on that occasion, they were convinced that the effect of the present publicity of executions, was not to deter men from crime, but, on the contrary, to shock the feelings of the better disposed, and to harden hopelessly the feelings of the more vicious. When he had given his consideration to the present practice, he gave notice of his intention of putting a question on the subject rather than bring forward a Motion, for no new legislation was required in order to carry into effect the alteration in the mode of execution suggested by the petitioners; for it had been expressly decided by the highest authority, that the time and place of executing the last sentence of the law rested with the Crown, and therefore, in fact, with the advisers of the Crown. This decision was given by the Judges, Lord Mansfield being then Lord Chief Justice, in 1769, when the right of the Crown to order a criminal to be executed at Bethnal Green instead of the usual locality was questioned by the sheriffs of London. The Judges were consulted, and reported that the time and place of execution formed no part of the sentence, but were under the control of the Executive. It was, therefore, strictly in order that, instead of proposing any new legislation on this matter, he should simply ask Her Majesty's Government whether they would take into consideration the propriety of altering the practice in this respect? It had now for a hundred years been the conviction of most moralists who had thought or written on this subject, that the mode in which capital punishment was carried into execution in this country tended to every possible effect except that of adding to the awfulness of the sentence, and of thereby making it adapted to deter others from crime. More than 100 years ago the caustic pen of Mandeville described, in his usual plain and almost glaring colours, what was the effect of an execution upon those who witnessed it. And, indeed, all who reflected for a moment upon the subject must be brought to the same conclusion. The awfulness of the punishment consisted in sacrificing the forfeited life to the laws of the country; and the object both of the Legislature and of the Executive should be, in all the adjuncts of the execution, to present this one simple awful fact in all its singleness, and therefore awfulness, before the minds of those whom they desired to deter from crime. Now, a public execution was accompanied by every single adjunct which could tend to draw the attention of the spectator from that one great idea, and to fix it upon the accidental circumstances of the moment. With regard to the prisoner, he was straining his nerves, it might be, that he might be able "to die game," as it was called, before the miserable partners of his crimes. Perhaps there might be a confession and an account of the crime. The vice and confusion which reigned at the very moment beneath the gallows at which the man was about to expiate, as far as he could, the crime he had committed against his country's laws, all tended to draw away the attention of the spectators from the fact that a life was about to be sacrificed to the demands of justice, to the simple accidents around. And whatever way a man died the result was just the same. If he died with any marks of penitence, then the pity of the spectators was engaged on his side and against the cause of right. If that penitence were carried on to the last, it sometimes lamentably occurred that it occasioned expressions of exultation and an expression of the certainty of his passing at once from this world to another where he was happily situated, and then the moral effect was still more deadly upon the witnesses. And if that was not the case, and if the man died in bravado, the effect upon the witnesses was to take away the horror which constituted the fear of such a death. He thought that nature itself taught them that that was not the way in which the horror of crime could be best impressed upon the minds of the spectators, and it must teach them also that the minds of men would be more deeply and justly affected if the execution were withdrawn behind the scene and within the prison walls. By the exhibition of a black flag, or by the tolling of a bell at the time of the execution, the fact could be made known that the forfeited life had been sacrificed, with nothing to draw the attention of the spectators from the reality of the great act of justice. A mere accident happening at the time of this tragical event might stop altogether the current of the spectator's thoughts, and, when he should look to it with seriousness, might turn his thoughts to the ridiculous in its stead; and such interruptions must abound in their public executions. But an intramural execution within the walls of the prison, in the presence of regularly appointed witnesses, who would convey the intelligence by external signs to those without, would, if anything could, sink deep into the hearts of those whom they desired to affect by this last sentence of the law. And so it was that in other countries the progress of men's minds, as well as the progress of legislation, had been in that direction. The New England States had adopted altogether the system of intramural executions, and they would find that it had been productive of the best possible effects. By removing in that way its accidents, its awfulness would be impressed far more deeply on the minds of men. They should not linger behind from what appeared to him a most unreal reason, for he was told that the people of England would not bear to have executions within the walls of the prison, and he believed that was about the best argument against it. But he had that faith in the good sense and right moral feeling of his countrymen, that he was perfectly convinced they would be soon brought to approve of anything that tended to aggravate the just horror of that last sentence of the law. Instead of giving notice of a Motion, he had merely given notice that he would address a question to Her Majesty's Government, and that was, Whether they would take the matter into serious consideration, and that if they could not then announce it, they would state at a future time to the House the conclusion at which they should arrive?

THE EARL OF ABERDEEN: My Lords, the subject which has been brought before your Lordships by the right rev. Prelate is one upon which it is not easy to come to any decided conclusion. Much has been said and much has been written on this subject, and I am not at all surprised that numbers of persons should be disposed to adopt the view which has been taken by my right rev. Friend. This opinion is so natural, that the subject does not require his eloquence to commend it to the House and to the public; but, at the same time, the question is not so simple as my right rev. Friend appears to think. He says it only requires a direction on the part of the Executive Government to decide this matter. It may be so; but if I am not much mistaken, a Bill was introduced some years ago, either in this or the other House of Parliament, to effect this object, and it found no favour with the Legislature. Now, my Lords, I think that although the right rev. Prelate has treated as slight, and without weight, the objections which may be made to this proposal, I confess I think they are not altogether unworthy of consideration. He says the people of this country would not, after a short time, entertain a feeling opposed to executions taking place within the walls of prisons. I agree with him in this, that, generally speaking, there would be no feeling of opposition on the part of the public; but, at the same time, I can very easily imagine many cases in which it would be very dangerous to the public peace to resort to such a practice. Nay, I think I may say that I remember myself such a case. To be sure, it is about fifty years ago; but I recollect when an execution took place of a person who had been convicted of an offence committed twenty years previously, and when great interest was made to procure a commutation of the punishment, I recollect that the public excitement was so great, and continued up to the moment of the execution—which the people appeared to believe would not take place—with so much intensity, that I am satisfied that serious consequences would have resulted if the crowds had been told that the prisoner had been executed in private. I can conceive many cases of a similar nature in which it would be most impolitic to have recourse to the practice which the right rev. Prelate recommends. Your Lordships cannot doubt the accounts of the conduct frequently observed by the spectators at the melancholy ceremony at which they are present; indeed, it is perfectly notorious that offences are committed at the very gallows itself. That is a disgusting practice, although it will be pursued wherever many persons are collected together. But you see all that—you know the extent of it, and are disgusted accordingly; but you do not know the good that arises from a public execution—you do not know the numbers who may be there wavering on the brink of crime, and who return home appalled and improved by the spectacle. You know nothing of all that. A man does not announce that he reforms; he meditates in silence; and you have no means of judging of the result which attends the spectacle except of that which is calculated to disgust and offend. It is not, therefore, to be concluded that, because a public execution may be attended with a great deal that is improper and disgusting, many of the spectators do not return better men. For myself, I am not satisfied that it is improper, and should be done away with. My Lords, notwithstanding the opinion my right rev. Friend says has been adopted by very many persons, I believe that those who are most conversant with criminal jurisprudence throughout this country, and have the greatest insight into the masses, are not in favour of secret executions. At all events, the system is one which I think ought not to be lightly adopted. It requires much consideration, much inquiry, before anything of this kind can be risked; and I must confess that, although open to fresh facts and further argument, I am not disposed, as at present advised, to give any countenance to the prayer of the petition which has been presented by my right rev. Friend.

Lord CAMPBELL said, the subject was one which had for many years attracted his attention. He happened to be a Member of the House of Commons when a very able and learned Friend of his introduced a Bill to abolish capital punishment in public, and substitute executions in private; and upon that occasion it was taken for granted that the alteration could only take place by Act of Parliament. It was the common law of England that punishments awarded to evil-doers should take place before the people, and it was only by Act of Parliament that such a mode of inflicting punishments could be altered. He would rejoice to see capital punishments abolished or private executions substituted, provided the public could be convinced that justice was done upon the culprit, a point of great importance, as in a well-known case, that of Governor Wall, many people could never be brought to believe that he had undergone the sentence of death which had been pronounced upon him; and private executions might give rise to constant erroneous suppositions of that sort.

Lord BROUGHAM said, that if, as he believed, they could not entirely give up capital punishment, it ought to be confined to the smallest possible number of offences, and he made the exception to the general rule of criminal punishment. Being of opinion that we could safely give up capital punishment altogether, he confessed he did not read the disgusting account of the proceedings at an execution in Ireland, a short time since, without being led to hesitate whether it would not be better to forego the punishment altogether, than to undergo the periodical recurrence of such scenes.

The Bishop of OXFORD, in reply, said, it would ill become him to argue the point of law with the noble and learned Lord Chief Justice as to whether a Bill would be required to effect an alteration in the mode of carrying out the law. As the ground upon which he had at first relied, that a Bill was not necessary, had been disputed, he had referred to the authorities, and was prepared with the case of Doyle and Barry, who were condemned to death in 1759, and were ordered for execution at an unusual place—at Bethnal Green—and the legality of that arrangement being doubted by the Lord Mayor and Sheriffs, they applied to the Government, and a reprieve of fourteen days was granted, to enable the opinions of the Judges to be taken. The Judges, including Chief Justice Mansfield, after mature deliberation, were unanimously of opinion that it rested with the Crown to appoint the place of execution. When he spoke of private executions, he meant not private, but intramural executions—that they were to take place in the presence of sufficient witnesses, to prevent the possibility of any suspicion of undue torture or of the sentence not being carried out. Such a provision would meet the case of Governor Wall, and the difficulties attendant upon private execution could be obviated in future by providing that the body be sufficiently exposed after execution. The noble Lord (Lord Brougham) had said the choice was between executions conducted as at present, and the abolition of capital punishments; but one of the many reasons for which he (the Bishop of Oxford) advocated an alteration in the law was because the present system threatened the continuance of capital punishments altogether. Such scenes as lately occurred at executions at Monaghan and other places had forced a conviction on the English mind that people were not deterred from crime by such spectacles, and that, therefore, the continuance of capital punishment, as at present conducted, would have the effect of encouraging the morbid sentimentality in favour of the criminal, and to lead men to doubt whether the highest duty committed to man—that of wielding the sword of justice—was committed by God to man for civil government, and to doubt whether that civil government had not the right to take away life, not only to deter men from crime, but as an execution of God's sentence against great offenders. Nothing could be more injurious or more enervating than to put down capital punishments in consequence of the morbid sentimentality to which he had referred. A few more such scenes as the noble and learned Lord had referred to would have the effect of making men's minds recoil from that which he (the Bishop of Oxford) believed to be essential to the highest principles of justice, as well as to the necessities of human expediency. When his noble Friend (the Earl of Aberdeen) said that we did not know the number of those wavering upon the edge of crime whom such a spectacle as a public execution deterred from crime, he must be allowed to take the opposite hypothesis, and to say that he had read of instances in which men had been absolutely led to the commission of crime from being spectators of such scenes, and had been led, by the idle vaunts in which criminals not unfrequently indulged upon the scaffold, to think that death by capital punishment was not, after all, so terrible a thing as they had before thought it to be. He feared that but too often, when those men were heard quitting life with exultation on their lips, others were led in consequence to trifle with this last sentence of the law.

LORD CAMPBELL observed, that the Judge at a trial had the power to order an execution to take place in any part of the county he thought fit, and it had not been unusual to order that the execution should take place on the spot where the murder was committed. Such power as the Judge had the Crown might afterwards exercise, but no more. Neither the Judge nor the Queen herself could order an intramural execution. This would be contrary to the law of England, and those who ordered it must take care that they themselves did not incur the penalties which would attend such a contravention of the law.

THE MARQUESS OF WESTMEATH, alluding to the disgusting scene which had been referred to as having occurred at the Monaghan execution, said that, if it had not been for the publicity which had been given to these proceedings, the British public would not have been made aware of the manner in which the minds of these poor creatures were prepared for death.

Petition ordered to lie on the table.

HER MAJESTY'S MESSAGE—

CALLING OUT THE MILITIA.

THE DUKE OF NEWCASTLE: My Lord, I have to *move*—

> "That an humble Address be presented to Her Majesty, to return Her Majesty the humble Thanks of this House for Her most gracious Message and to express the just Sense entertained by this House of Her Majesty's Care for the Security of the Country, manifested by Her gracious Declaration that she will call out and embody the whole or such part of the Militia of the United Kingdom as to Her Majesty may appear most expedient."

EARL GREY: My Lords, I do not rise with any intention of offering any objection to the Resolution, but at the same time I think we ought to know somewhat more of the intentions of Her Majesty's Government. It has been pointed out to me that if this measure shall be adopted in the manner that it is commonly thought it will be adopted, an act of very questionable justice will be done to some of those who have volunteered into the militia. One colonel of a militia regiment has mentioned his own particular case to me, and it seems worthy of consideration. Soon after the Act of 1852 was passed, when it was intended to embody the militia in the county to which this gentleman belonged, an attempt was made by a number of persons calling themselves the Peace Society, to prevent men enrolling themselves in the militia, and the argument was, If you enrol yourself in the militia, it is true you are promised that you shall not be called out for duty except the country is actually in danger; but when you are once enrolled, those terms will not be adhered to, and the engagement you have contracted will be made more severe than you intended. The gentleman told me that this argument produced a considerable impression on the minds of many who would otherwise have volunteered, and that he attended a meeting, and told them they might safely volunteer for the militia, that the terms were defined by Act of Parliament, and there was no danger of those terms being departed from. This had a considerable effect in inducing them to enrol themselves. But his informant not unnaturally complained of the position in which he now found himself. He said—

> "I advised these people to volunteer, because here was the Act of Parliament as a guarantee that they should not be called out unless under certain circumstances; and now comes another Act which takes away this guarantee and alters the circumstances under which their permanent services may be required. It is very hard upon these militiamen. The country came forward very handsomely upon the appeal made to it, and now, while they believed themselves to be secure of being called out only under certain circumstances and at 3*s*. a day, they are now exposed to be called out to service for a longer period than they had ever intended for only 1*s*. a day."

He (Earl Grey) did not know whether the complaint was well founded, but it appeared to be so; and, therefore, without in the least objecting to the militia being called out if the Government thought it fit, he did wish to know whether, as was usually the case when any changes were made in the regulations with respect to any portion of Her Majesty's forces, care was, in this instance, taken not to alter the terms of any engagement to the disadvantage of those who had entered into it? He should be glad to be informed whether, if the militia were to be called out as proposed, those men who had volunteered into it on the faith of a different engagement, and who might consider themselves aggrieved by this alteration in the terms of their enlistment, would have the option of retiring from the force when the period of their enlistment had expired?

THE DUKE OF NEWCASTLE: I cannot give my noble Friend the assurance that Her Majesty's Government contemplate any such extreme course as that he mentioned and recommended—namely, that of allowing those persons who have volunteered under a former regulation to retire from the militia, if they state that they have an objection to serve under the Act that was passed two or three days ago; but it is the intention of the Government to meet the case in another way, which I hope will be satisfactory to your Lordships and to the noble Earl. For the first year your Lordships are aware that it is not intended to embody the whole of the militia force. At present it is the intention of the Government to embody a force of about 15,000 men; and those regiments will be selected who have expressed already their perfect readiness, and in some instances even their wish, moreover, to be embodied. It will not be necessary in some instances to embody whole regiments; and in that case leave of absence will be given to those who cannot from their vocations come forward, and those only will be selected who may be disposed to attend, so that no serious inconvenience, if any at all, will be felt. So far as we have at present the means of ascertaining, there is the greatest readiness on the part of those regiments that are intended to be called out to answer the call that we propose to make upon them.

THE EARL OF EGLINTON inquired whether the Bill would apply to Scotland, or whether a separate enactment would be required?

THE DUKE OF NEWCASTLE said, the object of the measure was just this:—the former Militia Act enabled the Government to have the militia embodied in time of invasion. Now, this power of embodying the force in the time of invasion did not, of course, meet the present case, and, therefore, a short Act was necessary to enable the Government to call out the militia under existing circumstances. Of course, the same power would be called for as regarded Scotland.

THE EARL OF DERBY said, he did not question the propriety of the intended measure, but he did think there was great force in the argument of the noble Earl (Earl Grey), that the proposed alteration should, as little as possible, have a retrospective bearing, and should not appear to involve any breach of faith to those who had volunteered into the force under somewhat different circumstances. The main principle, the fundamental principle, of the Militia Act of last year—and one which had been attended by the greatest success—was, that enlistment was entirely and purely voluntary; and, in adopting such a measure, calling forth as it did a noble and patriotic feeling throughout the country, it was right that no one should have reason to suppose that men were entrapped into engagements different from those which had been laid before them at the time. From the explanation given by the noble Duke, however, he was almost in hopes that, although not technically and in terms, yet that practically the result attained would be an adherence by the Government to their original engagements. If he understood aright, although the noble Duke did not lay down the principle that persons who were unwilling to serve under the terms of the new Act should be absolutely free to do so or not, as they chose, yet the Government intended in the first instance only to select for embodiment those regiments which, as a body, were desirous of acceding to these conditions, and in whose case, therefore, the further embodiment would be equivalent to a voluntary act. Then, again, he understood that in the regiments thus selected—each consisting perhaps of 900 or 1,000 men—if 500 or 600 were willing to serve when called upon under the new measure, it was proposed to give the remaining section an opportunity of being released from attendance. If that pledge were specifically given to the country, no injustice would be done, and in that case he should entirely approve of the course that was to be pursued. He hoped the noble Duke would further confirm what he had been understood to state already, and say that he (the Earl of Derby) had not misinterpreted what were the present intentions of the Government.

THE DUKE OF NEWCASTLE: You have not in any respect misinterpreted what I said. The only difference is that you stated it more fully and clearly than I did myself.

EARL GREY thought that to adhere most scrupulously to good faith in those matters was a point of the greatest importance; for our whole system of enlistment for the Army, Militia, and Navy, and the success of the whole of the present arrangements, really rested upon this ground, that confidence should be placed in the State, and that under no circumstances should strict good faith be departed from by the State in its dealings with those who contracted with them. Hitherto this country had kept a high character upon that subject, and he was very glad to find that nothing would be done on the part of the Government calculated to detract from that character in the eyes of the people.

Address *agreed to, Nemine Dissentiente;* and the said Address to be presented to Her Majesty by the Lords with White Staves.

CASE OF COLONEL FULKE GREVILLE.

THE MARQUESS OF WESTMEATH rose to move for Copies of any Correspondence held between the Lord Chancellor of Ireland and the Marquess of Westmeath, as Lieutenant of the County of Westmeath, respecting Fulke Southwell Greville, Esq., a magistrate of that county, having been present and a party to certain language held on the 17th of January last at a meeting at Navan, in the county of Meath; and of any correspondence between the Lord Chancellor and Mr. Greville respecting the same. The noble Marquess said, that the meeting in question was a political one. It could not be called an electioneering meeting, because there was no election, and it was after Parliament had been returned. It was, therefore, purely a political meeting, and the leading persons present were Roman Catholic clergymen. In the published accounts of the proceedings fifty-two names of Roman Catholic clergymen were given as having been present, together with a great many others, said by the reporter to be too numerous to mention, and with this meeting and the proceedings thereat the gentleman mentioned (Colonel Greville) had identified himself in a lamentable manner. It was impossible to peruse the newspaper in which the account of this meeting was given—the official organ of the Roman Catholic party in Ireland—and not see that the persons named as being present were the leading persons of that party. Unfortunately there was a class of persons in Ireland always willing to avail themselves of the law in aid of their own objects, but who in other respects were the great disturbers of the country. The proceedings at this dinner began by the chairman proposing as a toast "The health of Pope Pius IX.," which was drunk with the most enthusiastic cheering. Excuses were then read from some Roman Catholic Bishops and other persons who could not attend, and afterwards the health of Her Majesty was proposed; but it was not drunk with the most enthusiastic cheering; it was only "duly honoured." A personage then rose to respond to the toast of "The Irish Hierarchy," who was called "the Lord

Bishop of Meath"—a title which he acknowledged by saying, as his name was associated with the toast he was called upon to answer it. This personage added that for thirty-four years he had taken part in the public affairs of that county—a fact which he (the Marquess of Westmeath) could verify, as during the whole of that period this rev. gentleman had been actively employed in disturbing the public peace of the county, either by proposing Members to Parliament, or by opposing those who desired to prevent the property of dying persons from passing to the priests. Other speakers followed, and among them Colonel Greville, who said he looked on it as a high honour to be invited to a banquet like that, graced as it was by the presence of the illustrious Prelate and by the presence of so many members of that party. The hon. Gentleman hoped that the tenant-right party would be enabled to get rid of that infliction of a Protestant Church Establishment on a Catholic country like Ireland. After them followed another speaker, who said that the French artillery at Jemappes had knocked off the chains of the Irish Catholics, and that he hoped the Russian cannon would knock down the Ecclesiastical Titles Act and the Established Church. He (the Marquess of Westmeath) alluded to these things with no purpose except to show that a foreign Prince—the Pope—had been preferred to Her Majesty. Why was Her Majesty's health introduced and received in that fashion if the object was not to make Her a scape-goat for the disrespectful—he would add the seditious language—that had been held at that meeting? Was it not clear that Her Majesty's name was introduced solely that offence might be offered to the law in the presence of the so-called bishop? Was it not obvious that the whole proceeding was intended to prove that the Roman Catholic priests were above the law, and that they were in possession of the fullest political licence. Before he (the Marquess of Westmeath) proceeded further, he considered himself entitled to refer to the spirit in which the Government had dealt with his representations on the subject. On this occasion the matter had been brought under his notice, officially, by his noble Friend near him, on the part of the magistrates of Westmeath; and after he had informed himself on the subject he represented the facts to the Government, with the intimation that Colonel Greville had been present at the meeting, and the suggestion that Colonel Greville, having so forgotten what was due to his character as a militia officer, as a magistrate, and as a loyal subject, should be removed from the commission of the peace, and be superseded in his military commission. The conduct of the Government, however, fully illustrated the kind of policy by which it had been guided ever since the present Lord Lieutenant had come into office. He could not, in fact, avoid contrasting it with their conduct in Kirwan's case, where a magistrate who had said the peace of Ireland was owing to the Roman Catholic priests, although he had the military at his back, and who had been suspended for that act by the former Government, was restored to office, and the salary accruing during this suspension was repaid to him. He could not help contrasting it also with their conduct in the Six Mile Bridge affair, where the soldiery, who had done their duty, were degraded by being deprived of their side-arms, while the priests, who had been the cause of all the bloodshed that had taken place, were allowed to pass without prosecution, and their offence treated *sub silentio*. It was the same policy which had hitherto permitted to pass with impunity the act of the gentleman whose case was under notice, a Member of Parliament, a magistrate of the county, a deputy lieutenant of the county, and a lieutenant colonel of militia, namely, his presence at a meeting of fifty-two priests, where Her Majesty's health was postponed to that of a foreign Prince, and Her name placed vastly below that of the Pope of Rome. Upon the receipt of the communication from his noble Friend, to which he had alluded, he (the Marquess of Westmeath) wrote a letter to the Lord Lieutenant, in which the facts were stated, and the answer he had received was as follows, from the Under Secretary for Ireland—

> "Dublin Castle, Feb. 4, 1854.
>
> "My Lord—I am directed by the Lord Lieutenant to inform your Lordship that the law officers of the Crown entertain grave doubts whether the law gives to the Lord Lieutenant or to the Crown any power over the colonel of a disembodied regiment of Irish militia; and that his Excellency, therefore, deems it inexpedient to enter on the consideration of the case stated in your Lordship's letter of the 26th ultimo."

To that letter he (the Marquess of Westmeath) replied, stating that he should like to be informed whether, if the colonel of a disembodied regiment of militia had commanded the drummer or any of the staff to do a seditious or illegal act, he would not be displaced, and the commission be held cancelled. To this the Under Secretary answered that his Excellency did not deem it necessary to enter upon a discussion of these hypothetical cases, and that he (the Marquess of Westmeath) had put an erroneous construction on the opinion of the law officers of the Crown. Under these circumstances he (the Marquess of Westmeath) had laid the case before the Secretary of State for the Home Department. The answer of the noble Viscount was to this effect—

"Whitehall, March 20, 1854.

"My Lord—I have the honour to acknowledge the receipt of your Lordship's letters of the 14th of February and 11th instant, on the subject of Colonel Greville, of the Westmeath Regiment of Militia. As there appears to be some doubt as to the existence of any power to dismiss a colonel of Irish militia, and as it might be doubtful whether, even if such a power exists, it would be advisable to exercise it in the case of Colonel Greville, it seems to me that the Lord Lieutenant of Ireland has exercised a sound judgment in his manner of dealing with the matter.

"I have the honour to be, my Lord,
"Your Lordship's obedient servant,
"PALMERSTON.

"To the Marquess of Westmeath."

He (the Marquess of Westmeath), in pursuance of his duty, then determined to bring the matter under the consideration of the Lord Chancellor of Ireland in regard to the continuance of Colonel Greville in the commission of the peace. The Lord Chancellor's answer was as follows. After reciting the previous part of the letter, he went on to say—

"I have the honour to acquaint your Lordship that, having transmitted a copy of that letter to Colonel Greville, in order that he might make such observations thereon as he should think proper, I have received communications from that gentleman upon the subject, which, in my judgment, render it unnecessary for me to interfere further in the matter.

"I am satisfied, from those communications, that in taking part in the proceedings at the meeting in question, Colonel Greville did not intend or contemplate the manifestation of any opinion derogatory to Her Majesty's Sovereignty; and as regards the sentiments which the extract from the speech adverted to by your Lordship purports to express, I am assured by Colonel Greville that he not only does not entertain them, but utterly disclaims all participation in those sentiments or any others of a disloyal tendency.

"I have always considered that the letters from a magistrate in reference to a complaint made against him are to be treated as written for the satisfaction of the Chancellor, and it has not been the practice to communicate copies of them. I must, therefore, beg your Lordship to excuse my compliance with your request for copies of the letters which I have received from Colonel Greville in relation to this matter.

"I have the honour to be, my Lord,
"Your very obedient, humble servant,
"MAZIERE BRADY, C.

"The Marquess of Westmeath."

It was true that Colonel Greville had disavowed the sentiments of the meeting—the seditious, the disloyal sentiments that had been expressed; but that disavowal was a private and not a public disclaimer of a public act, which he (the Marquess of Westmeath) held to be insufficient. The letter of that Gentleman to the Lord Chancellor was certainly an official letter, but it was sent in a close channel not open to the Legislature. He (the Marquess of Westmeath) knew nothing personally of the transaction. The case had been put into his hands by his noble Friend on the part of the magistrates, and he felt bound in honour to bring it before the House. At the same time, he had no wish that the Government should act severely towards the hon. Gentleman. The noble Marquess concluded by *moving*—

"That an humble Address be presented to Her Majesty, for Copies of any Correspondence held between The Lord Chancellor of Ireland and The Marquess of Westmeath, as Lieutenant of the County of Westmeath, respecting Fulke Southwell Greville, Esquire, a Magistrate of that County, having been present and a Party to certain Language held on the 17th January last at a Meeting at Navan in the County of Meath; and of any Correspondence between The Lord Chancellor and Mr. Greville respecting the same."

THE EARL OF ABERDEEN: My Lords, it is with some difficulty that I can comprehend the object of the noble Marquess in making this Motion. He has moved for correspondence between himself and the Lord Chancellor of Ireland with reference to proceedings at a meeting at which Colonel Greville was present; but I do not know exactly the ground on which this Motion is made; I apprehend, however, it is because the Lord Chancellor refused to dismiss Colonel Greville from the magistracy of the county. Now, I am not concerned to defend the conduct or the speeches of persons at public meetings; all that I am concerned to do is to justify the refusal of the Lord Chancellor of Ireland to dismiss Colonel Greville from the magistracy; and on that I say that the Lord Chancellor judged rightly in refusing to adopt such a course. The noble Marquess has described the proceedings at this meeting, which was in truth a meeting to celebrate the result of the election for the county of Meath, and where many speeches were made and toasts given which it is quite unnecessary for me to pronounce an opinion upon. That the health of the Pope was given in the first instance is a circumstance not unprecedented at a meeting in Ireland. I do not say that that is not a proceeding of which your Lordships may not highly disapprove; but to dismiss a magistrate for being present at such a meeting, and where such a toast was given, would be a perfectly novel proceeding, and would lead to consequences that would be very inconvenient; for it would entail the necessity of dismissing a number of highly respectable magistrates who have been guilty of the same offence—that of being present on such an occasion. Now, of course I should be the last person to attempt to justify the decency or the propriety of such proceedings as those to which the noble Marquess has referred; but I believe that Roman Catholics, in acceding to the health of the Pope being given in the first instance, consider that they are doing that as an act of faith, and that the giving of the health of the Queen is an act of loyalty—that the two do not interfere with each other. And although we may not understand that which appears to us a species of divided allegiance, yet in the mind of the Roman Catholic there is no derogation whatever from the loyalty felt to the Queen, because in drinking the health of the Pope he does that which he considers is an act of faith. Now, I am not justifying this, nor am I saying that I myself should willingly be present at any proceeding of the sort; but I am now explaining that which has taken place frequently in Ireland, and which, therefore, does not call for the interference of your Lordships. Colonel Greville was present at this meeting, and also made a speech, in which, however much I may differ from him, I see nothing at all to call for the interference of the Lord Chancellor. Seeing that the same sentiments have been expressed by many of the most distinguished Members of this and of the other House of Parliament, of course it would be preposterous to object to gentlemen in Ireland uttering them at a meeting of this sort; and, however much we may disagree with such sentiments, it would be impossible for us to mark this as an offence which is to be visited by the Lord Chancellor in the manner desired by the noble Marquess. In the speech of Colonel Greville there was certainly a great deal of laudation of the magnitude and importance of the demonstration at which he was present, and speakers are, perhaps, often in the habit of using somewhat exaggerated terms in that respect on such an occasion; but, certainly, in his own speech I see nothing that would justify the infliction of any such punishment as the noble Marquess recommends. But the noble Marquess goes further, and also makes Colonel Greville responsible for the speeches afterwards delivered. That, I think, is tolerably illogical, because when Colonel Greville made his speech in laudation of this meeting, nothing of that kind had as yet taken place which the noble Marquess described. Even the subsequent speech referred to by the noble Marquess—much as it may be objected to, and highly objectionable as it certainly was—still was what I have heard over and over again in various places; and certainly that declaration of Mr. O'Connell, that the battle of Jemappes was the first means of alleviating the severe laws affecting the Roman Catholics, has been repeatedly stated. The noble Marquess says a speaker expressed a hope that "the Russian cannon might blow away the Ecclesiastical Titles Bill." Now, if that is the worst that the Russian cannon can do, I do not know that I might not be able to view it with considerable philosophy; but this speaker did not say anything about the Protestant Church, as far as I have learnt. However, if he did, it is that which many others have said before him, both in this and in the other House of Parliament, that they considered the existence of a Protestant Church in a Roman Catholic country like Ireland was a great misfortune, and the sooner it was put an end to the better.

THE MARQUESS OF WESTMEATH: The words were "Perhaps the Russian guns might do as much by the Ecclesiastical Titles Bill; or, if they were well aimed, they might knock down the Established Church in Ireland."

THE EARL OF ABERDEEN: Well, then, both would fall together. I repeat that I have heard the same sentiments in both Houses of Parliament. Still, much as I object to, and little as I go along with the speaker, it would be rather hard to make Colonel Greville responsible for a speech delivered after his own. The Lord Chancellor of Ireland put himself in communication with Colonel Greville, and received from him an assurence that, in being present when the health of the Pope was drunk, he did not intend the slightest diminution of respect or loyalty to the Queen, explaining, as I have done, that it was not a political act, but an act of faith to a spiritual sovereign, and not interfering with any political allegiance. Colonel Greville, I understand, is a Protestant himself, but the large majority of the meeting were Roman Catholics; and he positively declares that, so far from sharing in any of the sentiments of the speech quoted by the noble Marquess, he utterly disclaims that he entertains any sort of sympathy in the slightest degree for such opinions. Well, having received this positive disclaimer from Colonel Greville, both with respect to the spirit in which he was present when the Pope's health was drunk before that of the Queen, and with respect to the sentiments which the noble Marquess says are seditious, and which I call very improper, but do not know if they amount to sedition—Colonel Greville having utterly disclaimed all participation in such sentiments—the Lord Chancellor did not think it necessary to proceed further in the matter by dismissing him from the magistracy. I have not the honour of Colonel Greville's acquaintance. He is a Member of the other House of Parliament, and one certainly not friendly to the present Government, but quite the contrary; but I am authorised by him to express before your Lordships this disclaimer in his behalf. The noble Marquess says that the communication with the Lord Chancellor was a close communication, and he wishes for a public disclaimer; so far as my assertion can answer the purpose, I have authority to repeat, on the part of Colonel Greville, that disclaimer which he addressed to the Lord Chancellor. That being the case, I am, as I said before, not at all concerned to justify the conduct of Colonel Greville, and still less to justify many of the speeches delivered on the occasion referred to. I am concerned only in justifying the refusal of the Lord Chancellor to dismiss Colonel Greville from the magistracy. In that course I think his Lordship was perfectly right; and he has said that these inquiries were made for his own satisfaction, and not in order to meet the noble Marquess. The noble Marquess may easily conceive that the correspondence between Colonel Greville and the Lord Chancellor might involve matters which it would not be at all desirable to lay before the public, and I must decline to give my sanction to its publication.

The Earl of Aberdeen

THE EARL OF DESART said, that the utmost importance was attached in Ireland to a show of promptitude and vigour on the part of the Executive in repressing the utterance of treasonable speeches by gentlemen holding Her Majesty's commission of the peace. It had long been the practice in Ireland, by means of speeches and pamphlets circulated among the people, to inculcate in their minds the spirit of that treasonable axiom, that "England's difficulty was Ireland's opportunity;" and when such speeches were sanctioned by the presence of any servant of the Crown, or person holding the commission of the peace, a great want of confidence and trust in the vigour and firmness of the Government was produced on the part of the people, unless they perceived that the Executive was ready to suppress any show of treasonable sufferance on the part of those who were employed under the Crown, and especially those who were in the commission of the peace. Prior to the ridiculous attempt of Smith O'Brien and his party in 1849 the same course was adopted both by the publication of pamphlets and the making of speeches. He remembered well how utterly futile they proved to be, and he knew also how futile they were at this moment. At the same time, he must say that it was most dangerous to allow a practice of the sort to continue amongst an excitable and impressible people like the Irish—a people who were bred up in hostility to England and the English Government, and which feeling of hostility was fostered by agitators, and backed up by the priests of Ireland, who had, by dint of the most extravagant superstition, established their authority over the minds of the people, and he had almost said over their souls and their bodies. If the people were now, as he had good grounds for believing they were, anxious to shake off these fetters—anxious to emancipate themselves from the slavery in which they had so long been held—their Lordships might rely upon it that that feeling would be very much weakened by every show of indecision or want of firmness on the part of the Executive in dealing with the cases that might be brought before them of treasonable conduct on the part of those who were in the service of the Crown. When the noble Earl opposite (the Earl of Clarendon) was in Ireland, a magistrate of the county of Kilkenny was indicted for holding treasonable language at a public meeting in that county, and, being convicted, was imprisoned for the offence. He did not refer to that particular instance as a precedent. But he could not help saying that he thought such conduct on the part of magistrates was most reprehensible. They ought to bear in mind that forgetfulness of their duty was fatal to their own character; and that, by so acting, they did a great deal of mischief in weakening the desire of the people to emancipate themselves from the influence of political agitators and the spiritual tyranny of the clergy.

THE MARQUESS OF WESTMEATH said, that the disclaimer which he had gained from the noble Earl (the Earl of Aberdeen) of any concurrence in the sentiments and language held at the meeting on the part of Colonel Greville was most gratifying. He regretted that it had not been accompanied by an expression of regret on the part of Colonel Greville that he had been present when the healths of the Pope and the Queen were drunk in the order and in the manner in which they were. He could not make so light of the matter as the noble Earl had done; but he had no doubt that the noble Earl conscientiously thought that this matter was not so serious as he (the Marquess of Westmeath) believed it to be. While he was thankful that the Government had not disgraced a man who was a relative of his own, he did not think that the circumstances warranted the aspect which the noble Earl had put upon the Motion. Provided this matter brought home to the mind of the Lord Lieutenant of Ireland the conviction that the public eye was upon him, and that hereafter, so long as he remained there, he must not blow hot and cold, having one measure for one person, and another for another, he (the Marquess of Westmeath) should be satisfied with the disclaimer he had obtained, and would withdraw his Motion.

Motion, by leave of the House, *withdrawn.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, May 15, 1854.

MINUTES.] NEW MEMBERS SWORN.—For Devonport, Sir Thomas Erskine Perry; for Lichfield, Lord Waterpark; for Hastings, Frederick North, Esq.

PUBLIC BILLS.— 1° Hospitals and Infirmaries (Ireland).

2° Excise Duties; Customs Duties.

EXCISE DUTIES BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. CAYLEY said, he rose to move that the Bill be read a second time that day six months. It was always a painful thing to resist a financial proposition made by the Government, and more especially was it so at a critical moment like the present. Impelled, however, by a sense of public duty, he was under the necessity of interrupting the harmony which had hitherto distinguished the proceedings and votes of the House in respect to the supplies which the Ministers had asked for to enable them to carry on the war in which we were now unfortunately engaged. The proposed increase of the malt tax was not only a measure unjust in itself, but inconsistent with the principles of commercial policy which Ministers had insisted on being recognised, and which the Opposition had assented to. In taking that course, however, he and those who supported him were actuated solely by a sense of public duty; and it was upon that ground that they based their opposition to what they regarded as an oppressive, an unjust, and an unequal tax. So indisposed had he been to undertake the office, that he had waited anxiously for several days in the hope of seeing some other Member notify his intention to oppose the proposition of the Government with reference to the malt tax: but no one having done so, he had undertaken the office, painful as it was. With regard to the war for which they were asked to vote supplies, he thought it was as inevitable now as it had been unnecessary in the first instance; for no one who had read the blue books which had been laid on the table could come to any other conclusion than that it had been brought about by obsequious and vacillating negotiations, and that the means which had been intended to preserve peace had caused us to bump against war. He did not make the charge of vacillation against the whole of the prevent Government, because previously to the commencement of 1853 the negotiations had, in his opinion, been carried on with prudence and magnanimity by the noble Lords the Members for Tiverton (Visct. Palmerston) and London (Lord J. Russell), and by the Earl of Malmesbury. If, indeed, England had at that time chosen to adopt a selfish instead of a magnanimous policy, it would have been easy to allow Russia and France to battle out their differences together; for what was meant by the large forces which had been raised throughout Europe during the last fifty years? They meant the dread of the claw of the Eagle on the one hand, and of the paw of the Bear on the other. England, however, had the magnanimity to interpose its friendly offices between France and Russia in 1851, and France wisely and gracefully retired from the fatal course which she had been pursuing. He could not, however, quite exonerate the noble Lord the Member for London, because in the secret correspondence he appeared inadvertently to consider Russia's claim to a protectorate over the Greek subjects of the Porte as tenable, and had thereby indirectly given the Emperor a right to assume that that part, at all events, of his policy would not be opposed by Lord Aberdeen's Cabinet. But Lord Clarendon, immediately on succeeding to the noble Lord in the Foreign Office, had distinctly accepted the Emperor of Russia's policy throughout, and the conclusion of those secret negotiations was a memorandum of Russia, virtually clenching the English Government to the compact. If Lord Clarendon's language had been as firm during those secret negotiations and when Prince Menchikoff was at Constantinople as it had been in the present year —if Russia had been told in confidence in those secret negotiations, as she treated us so confidentially, that if her forces entered the Principalities we must at once enter the Black Sea and put an end for ever to the *status quo*—the Principalities would not have been entered, and no war would have taken place. It was clear to his (Mr. Cayley's) mind, that the language of the English Government at the beginning of 1853 had misled the Emperor of Russia—that no one intended or desired war less than the Emperor of Russia—and that if it had not been for the language and conduct of the Government of this country, and especially if Lord Aberdeen had not been Prime Minister, there would have been no war. This was conspicuous from the papers laid before us. But the Government, having bungled us into this war, now asked us to pay the expenses of it, and the House had voted Estimates for that purpose, believing that the money would be raised in an equal and just manner; instead of which, the policy that the Government had adopted was unequal and unjust, and totally opposed to those principles which it had itself laid down as politic. The House had cheerfully granted an income tax, although it was paid principally by real property, while incomes from trade and professions were notoriously to a great extent allowed to escape. But then the Government said that the limit of direct taxation had been reached, and it was necessary to fall back upon the policy of the last war—to tax the consumer. Circumstances had changed since that period; we had then a restrictive commercial policy and an unrestricted paper currency, which enabled the producer to charge the tax upon the price, and so repay himself; but he could not now do so. By the duties upon spirits and upon malt they obtained from the single article of British agricultural produce, barley, 12,000,000*l*. out of 15,000,000*l*. of Excise duties. And they now had the modesty—he said nothing of the insult, for insult it was—to propose that this 12,000,000*l*. should be increased to 15,000,000*l*. Do not let hon. Members suppose that the malt tax was a farmer's or an English question only. He (Mr. Cayley) could show that it was a tax upon every acre of cultivated land in this country, of from 20*s*. to 25*s*. an acre, from the Land's End to John O'Groat's. The Chancellor of the Exchequer might have obtained 1,000,000*l*. of additional revenue by staying the falling duty on tea, which he had it in his power to do. But, instead of that, he was now adopting a protective policy in staying the falling duty on sugar, the effect of which was to operate protectively towards the West Indian interest. The Chancellor of the Exchequer bore a high character for moral integrity, notwithstanding the failure of his financial schemes, and he believed that the right hon. Gentleman would be actuated by no undue motives; but it was a curious circumstance that, while he had it in his power to stay the fall of the duty on tea, he had preferred to stay the fall of the duty on sugar. He supposed the right hon. Gentleman was not now connected with the West India interest, but he remembered having heard in that House from the right hon. Gentleman, exactly twenty years ago, one of the most eloquent, convincing, and impressive speeches he had ever heard, and one which was then understood to have been delivered on behalf of that interest. His present plan would certainly act protectively towards the West India interest, which had, no doubt, been much injured, and therefore was entitled to any consideration it could obtain. But he could not understand why the right hon. Gentleman, with all his ingenuity, had selected malt for taxation instead of choosing something more novel. There could not be a greater interference with industry than the malt tax. He should like to see the hon. Member for the West Riding (Mr. Cobden) or the hon. Member for Manchester (Mr. Bright) amenable to those civil attentions which were now paid by the exciseman to the maltster, and see how they would bear the interruptions, penalties, and annoyances which encumbered the dealing with that article of produce. What the Government had promised them was freedom of trade, and surely freedom of trade meant an unrestricted trade. One of the great grievances, however, of which the agriculturists had had to complain ever since the repeal of the Corn Laws was, that the Government had not given them an unrestricted trade. They had begged of the Government to be true to their own principles, but they had never been so. They had contended that the malt tax and the hop duties were a violation of those principles, and now the Government not only did not relieve them, but actually aggravated them to the extent of a third or nearly a half. Was there no other commodity which they might have found to operate upon of equally extensive consumption? They said that they were about to tax the consumer; but they would not by this measure tax all the consumers. The mercantile classes would to a great extent escape, while the tax would fall upon the poor man, by whom this national beverage was considered as a staff of life. If they desired to lay a tax upon the consumer, they should lay it candidly, openly, and equally. There was but one efficient method of doing this under the existing system of finance; and that method would not be nearly so great a violation of their own principles as was involved in the present proposition. We now imported 100,000,000*l.* worth of goods into this country annually, and a tax of 5 per cent upon this would yield 5,000,000*l.* That sum would have sufficed for the Chancellor of the Exchequer's wants. This would have been general and equal, and would have fallen upon the trading classes as well as on the labourer, the farmer, and the landowner, without interfering with the industrial processes of the country. If 10,000,000*l.* even had been required, it might easily have been procured by a tax of 10 per cent upon imports, with little variation on the price, for the burden of such a tax would not have been borne exclusively by this country, but would have been shared by those countries from whence the importations come. He did not suppose that the Government would adopt any suggestion of his; but he told them what they might have done by a system which would have been more in conformity with their principles as well as more in consistence with equality and justice than that which they had adopted. Barley was to the agriculturists of this country what cotton was to the manufacturers. Barley was the pivot upon which improved and scientific agriculture turned, and it was the grain with which the foreigner could least interfere. He wanted to know, then, what greater interference it would be with the industry of the country to lay a tax upon cotton yarn than it was to lay it upon agricultural malt? One single reason, and only one, was given why malt should be taxed, and that was that it was an ancient tax, and a tax on the consumer. He (Mr. Cayley) would show how it was a much greater tax upon the producer. But, if that tax fell on the consumer, why did they make an outcry against the tax upon cotton yarn? Cotton yarn went equally into consumption with malt, and so a tax upon it would only be a tax on the consumer. But when a tax on yarn existed it was soon clamoured off. And why was it not now revived?—because they found it would hit the manufacturers, and the manufacturers were a body not to be trifled with. The repeal of the Corn Laws operated in favour of the consumer, and to the detriment of the producer. The effect of the repeal of the Corn Laws had been to introduce 8,000,000 or 10,000,000 quarters of foreign corn, and the result of that was to lower the price. The Government had told them that they could not have a Parliamentary price for wheat; but he objected to their present policy that they forced a Parliamentary price upon barley; for by their interference with malt they made beer four times dearer than it would otherwise be. If beer could be manufactured perfectly free, if there were no licences and none of that monopoly which this tax and the licensing system had engendered, beer which now cost 4*d.* per quart might be brewed for 1*d.* The effect, then, if this tax were repealed, would be an increased demand for barley, and, if it followed the course of other articles of general consumption, after a reduction or repeal of duties, the increase would be at least threefold. From this it was evident that this was not merely a barley question, but that it was a wheat and oats question also, because, the present consumption of barley in malting being 5,000,000 quarters, if there were an increased demand for 8,000,000 or 10,000,000 quarters of barley, it was evident that the same amount of wheat and other grain must give way to it; for barley and wheat, it was clear, could not grow on the same soil at the same time, and barley for malting was an article almost exclusively of British supply; 8,000,000 or 10,000,000 quarters of wheat or oats, therefore, would be taken out of the market, and, the demand continuing the same and the supply less, the price of wheat and other grain would be enhanced; and, therefore, he had always contended that if the malt tax had been repealed, it would have gone far to compensate the British grower for the repeal of the Corn Laws. Instead of that, however, they were now going to aggravate the injury which they had already inflicted upon the agricultural interest; and so unjust, unequal, and oppressive was the proposition, that he was at a loss to what to attribute it, or to understand whether it were intended as a fling at a class or a blow to a party. In consequence of the numerous restrictions and oppressions produced by the malt tax, the brewer and the maltster took out of the public purse more than the Exchequer received, by upwards of threefold. The malt tax at present, therefore, cost the country, not merely 5,000,000*l.*, the nominal amount which went into the Exchequer, but in reality 20,000,000*l.* He (Mr. Cayley) could prove, by the evidence of practical brewers, that ale which sold now at 5*d.* per pot could—if there were no tax, no licence, no excise, no penalties—sell, with profit, for 2*d.* Out of the extra charge of 3*d.*, only a fourth went to the Chancellor of the Exchequer, the remaining three-fourths being pocketed by the maltster and brewer, not in the way of ordinary profit, but in excess of the ordinary rate of profit, through the monopoly engendered by this tax and its accessories. So that, in fact, in order to raise 5,000,000*l.* of revenue, the public was mulcted to the extent of 20,000,000*l.*; and that was taken, not so much out of the pockets of the trading classes and the rich, as out of the pockets of the poor and hard-working man. Now, the malt tax affected the landed producers also indirectly in this way—an acre of land produced, say five quarters of barley, which could be converted into beer at a cost of about 10*l.* were there no tax; whilst at present it cost 50*l.*, which, he did not hesitate to say, upon every cultivated acre of land in the kingdom—whether of the plains of Ireland or the hills of Scotland—was equal to a tax of 25*s.*, because the effect of the malt tax was to diminish the consumption of barley, and to increase the growth of wheat. Repeal the malt tax—you would create an entirely new demand for at least 8,000,000 quarters of the British grain of barley, that would raise its price, at first, say 7*s.* or 8*s.* a quarter; but the next effect of it would be to diminish the growth of wheat and oats to that extent, namely, of 8,000,000 quarters, which would permanently raise their price, say 5*s.* a quarter. The average produce of grain in this country was not less than five quarters per acre. The rise on each quarter by a repeal of the malt tax of 5*s.* would be 25*s.* an acre. The maintenance of the malt duties, on the other hand, prohibited this advantage to the landed interest, and operated as a tax upon the land of 25*s.* an acre. For, if the repeal of the Corn Laws lowered the price of wheat 10*s.* a quarter, by admitting 8,000,000 quarters of additional supply, which it did previous to the gold discoveries, it was clear that a new demand for 8,000,000 quarters of grain must tend to raise its price; and 5*s.* a quarter increase was a moderate estimate; and this was what was called justice and free trade. Why not apply taxation in a more just manner? If individual articles were to be invidiously selected for the inquisition of the exciseman, and the pruning-knife of the Chancellor of the Exchequer, why was the produce of British agriculture alone doomed to the infliction? It really seemed as if a decree had gone forth from "William Ewart Augustus" (the Chancellor of the Exchequer), not, as of old, that all the world should be taxed, but that no one in the world should be taxed but the poor farmer and the poor labourer. Then see how this tax had operated in a moral point of view. In the year 1795 the tax on a barrel of malt in Ireland was 2*s.* 6*d.*; in 1801 it was raised to 6*s.* 6*d.*, at which time the consumption of malt had diminished from 1,284,000 bushels to 173,500 bushels. In other words, there was seven times more malt consumed at the commencement than at the close of these six years. The Government of the day taxed out the consumption of beer in Ireland, and taxed in the consumption of whisky in that country, and compelled the Irish to become a whisky instead of a beer consuming people. In 1792, when the tax was 7½*d.* a bushel in Scotland, the consumption was 5,000,000 of bushels. In 1802 the tax was raised to 3*s.* 6*d.*, and despite the increase of population in that country the consumption had then already become only 1,780,000 bushels. Before 1802 the Scotch were a beer consuming people, but the policy of the Government of the day also drove them to become almost exclusively a whisky consuming people. It was for these and several other reasons that he always honoured the attempts made by his right hon. Friend (Mr. Disraeli) to rectify this great evil. It was for these reasons that he supported the able Budget of that right hon. Gentleman; because he saw and felt that it had but one animus, one aim, which was to do justice and to conform our financial condition to the new commercial system, without distinction of class, person, or party. Again, in 1822 the malt duty on beer in Scotland was reduced from 28*s.* 10*d.* to 22*s.* 8*d.*, and in 1823 a further reduction was made to 14*s.* 8*d.* The consequence was, that the consumption of malt, which was 147,000 quarters in 1821, rose to 490,000 in 1823, thus showing the abstinence from beer was not natural, but forced by excessive imposts. He was not there at that critical moment to argue for a decrease of the tax; although, under more favourable circumstances, his desire would be to have it abolished altogether. Apart from its injustice and oppression, it was one of the most fruitful sources of crime and immorality which afflicted society in driving thousands to the beer-houses. Legislation had much to answer for in that respect, because undoubtedly the evidence of Sir Richard Mayne and others connected with the police, both in London, Liverpool, and elsewhere, went to show that nearly all the crime of the country was hatched in these beer-houses. In 1834 a Committee of that House sat to examine into the causes of the increase of drunkenness. A magistrate of Oxfordshire was summoned to give evidence, as also to state his opinion as to the best means to be adopted for its prevention. That gentleman stated, that before leaving home he consulted with fifteen clergymen in his locality on the subject, and fourteen out of fifteen declared the only remedy they could suggest was the repeal of the malt tax. Now, the testimony of these rev. gentlemen, coincident with that of the Commissioners of London and Liverpool Police, was very important, and should not be overlooked. He, therefore, entreated of Her Majesty's Government not to aggravate this serious evil. Were it not for the present state of the country, he would call on the House in every point of view, whether as regarded the producer or consumer, whether as regarded religion or finance, to repeal this tax. At present he only asked them not to increase or aggravate the evils of it. He (Mr. Cayley) would trespass on the indulgence of the House no longer. He lamented the necessity of the step he was now taking, but his sense of public duty left him no alternative. He believed this new tax was as uncalled for as the war had been in the first instance. He felt certain if either the noble Lord the Member for London (Lord John Russell), the Earl of Malmesbury, or the noble Member for Tiverton (Lord Palmerston), had continued to hold the foreign seals, we should not now be engaged in war. And if his right hon. Friend the Member for Buckinghamshire (Mr. Disraeli) had remained Chancellor of the Exchequer, we should not have had such an injustice as an aggravation of this tax to deal with. Other sources, if it had been necessary to raise additional taxation, could have been found, perhaps more productive and less unjust. He objected to this war, because it was unnecessary, though now inevitable; and he objected to this tax because it was unequal, oppressive, and unjust. On these grounds, he begged to move that the Bill be read a second time that day six months.

Mr. STANHOPE said, that he felt in a time of war those in opposition ought to be most careful as to how they opposed the financial prospects of the Government, and he felt that the course he had taken was the more difficult because he agreed with some of the propositions of the Chancellor of the Exchequer. He agreed with the right hon. Gentleman in thinking that they should as far as practicable abstain from raising a loan; he also agreed with him in thinking that it was not advisable and perhaps not safe, to raise so large a sum as that required by direct taxation; admitting this, he deemed it incumbent to show strong reasons why he considered that the present tax should not be resorted to. He objected to it on three grounds—firstly, because it was extensive in amount; secondly, because it was laid entirely on one class, and on one class only; and he objected to it lastly, because there was no necessity for such a tax arising out of the exigencies of the war, and the only reason that they were called upon to bear this additional burden was to remedy the financial errors made by the Chancellor of the Exchequer during the last Session. One of the most grievous hardships on the farmer was, that he was not allowed to convert his own produce into the liquor which he himself and his servants and labourers consumed. With regard to the supposed increase in the consumption of malt, his belief was that in consequence of its enhanced value less malt would be put into beer, and thus there would be a check placed on the consumption. The whole course of their legislation for some years past had been to reduce the taxation on articles that seemed to be prejudicial to commerce; but he was borne out by facts when he stated that in no case had they reduced any tax that was prejudicial to the farmer. He maintained, therefore, that it was unjust and wrong in policy, when a time calling for increased exactions came, to impose a tax like the present upon the farmer. They were rather bound to review the policy they had been pursuing, and lay on again a small portion of the various taxes they had remitted during the last few years. Then, if, unfortunately, the war should be continued so long as to make additional exertions necessary, the agricultural classes would, no doubt, be ready to respond to any call that could reasonably be made upon them. But the point on which, in his opinion, the whole of the question turned was, that this sum of 2,400,000*l.* was not required for the exigencies of the war, but simply and solely to fill up the vacancy which was caused by what he must consider the most injudicious conduct of the Chancellor of the Exchequer in remitting such an amount of taxation at a time when he saw the political horizon so threatening. It appeared to him that it would be very unwise to reimpose the vexatious restrictions to which this part of the trade of the country was subjected. A large remission of the duty on tea was to be made, which was to be spread over four years—in the present year they would lose 600,000*l* ; at Lady-day, 1855, they would lose another 500,000*l.*; and at Lady-day, 1856, they would lose a still larger sum, being a prospective loss of upwards of 1,000,000*l.* Under existing circumstances, the first step the Government ought to take would be to stop the further remission of the duties on tea. It appeared to him to be a gross absurdity to raise a large sum of money with the right hand, while they were remitting another large sum with the left. Whatever might be the result of the present Motion, he trusted the House would compel the Government to stop the reduction of the tea duties. He could assure the House that there was no disposition on the part of hon. Gentlemen on his side to offer any factious opposition —there was no disposition on their part not to give the necessary supplies for carrying on the war, but he wished those supplies to be granted through a better and a wiser system of taxation. Believing that this was a national war, undertaken for the honour and glory of England, he regretted that its expenses were not distributed more equally over all classes of the community.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

VISCOUNT MONCK said, he must thank the hon. Gentleman who had just spoken for the spirit in which he had addressed the House. If he had preceded him, he should have been tempted to make some strong observations on what had been said with reference to the course taken by Her Majesty's Government, but after the speech of the hon. Gentleman he felt it would be unbecoming to reopen that question. The hon. Gentleman who moved the Amendment (Mr. Cayley) had made an admirable speech for repealing altogether the malt tax, whereas the proposition before them was not to repeal, but increase the malt tax. A good deal had been said about the policy pursued of late years by that House in their commercial legislation. Now, he had looked at the Resolution of 1852, and found that there were two points mainly contemplated in it—the one being unrestricted competition, and the other the abolition of taxes imposed for protection, as contradistinguished from those imposed for revenue. The proposition before the House violated neither of these principles; this tax could not, on any ground whatever, be said to be opposed to the principle of competition. It was a tax imposed solely for purposes of revenue. It could not be for protection, because there was nothing to protect—for foreign barley would be taxed to the same extent as home-grown. The hon. Gentleman who introduced the Amendment based his speech on the supposition that it was a tax on the producer. The hon. Gentleman who seconded it said the tax would lie altogether on the consumer. He did not believe in either of these statements. In considering this point, they had to ascertain whether the tax was likely to have such an effect on the consumption of beer as to affect the price that the farmer received for his malt. Barley was different in this respect from almost all other raw materials. He believed that no stimulus they could apply would increase the cultivation of barley in this country. They did not find the consumption of malt increasing with the diminution of duty in the same proportion as other articles, therefore there must be something in the production of barley that made the difference; and it was just because the field for producing barley was so limited that it required a large imposition of taxation to diminish the demand for it, and, on the other hand, a large diminution of taxation to increase the demand. The hon. Member who moved the Amendment argued as if this were an agricultural question, and not a barley question; he could not agree with him in that view, but, on the contrary, thought that it was simply and solely a barley question. In fact the amount of land that was cultivated for the growth of barley in this country was comparatively so small that this tax, as applying to it, could not in any way be construed as a pressure upon land generally, and it was very unfair to argue on such an hypothesis. It was well known that very much of the land in agricultural counties would not grow barley at all. Hon. Gentlemen opposite had talked a good deal about it being our duty to tax the untaxed foreigner, and not to press so constantly and so heavily upon our home industry, and in the increased imposition of the malt tax these hon. Gentlemen would have an opportunity of carrying out the principles they professed to venerate, inasmuch as this was a tax which such foreigner would have to pay. Again, it had been said that by the proposed increase of the malt tax we were departing from the principles upon which we had been of late years acting relative to articles of consumption, and the removal of taxation from them; but hon. Gentlemen who made so much of this point should bear in mind the particular time at which it was proposed to increase this tax, and to remember, at the same time, that it was only to be a tax for the purposes of the war, and not to be a permanent tax. When the remission of this tax was proposed by the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), in his character as Chancellor of the Exchequer, it was then argued by him as if it were a consumers' tax, and, taking it as such, the conclusion would be, that if the consumer were benefited by its remission, the consumer also would have to pay the increase, if any such were made to it. It was for this reason, among others, no doubt, that the right hon. Gentleman the present Chancellor of the Exchequer had selected this particular tax at this particular time, when all parties must be made to contribute their quota towards the sustentation of the war. When the right hon. Gentleman the Member for Buckinghamshire proposed to reduce the duty by one-half—the precise measure of the addition which was now contemplated—it was calculated that the effect of that would be to reduce the price of beer by one farthing per quart. Surely it could not be seriously intended that a rise in the price of beer to that extent would have any appreciable effect upon the price of barley, the supply of which was so limited from the nature of our soil? He hoped that the House would consider well before they threw out so important a portion of the Chancellor of the Exchequer's measure as the increase of the malt tax undoubtedly was, and he believed, if they did throw it out, that the notion would go abroad that the House of Commons were unwilling to meet the necessary expenses and face the exigencies of the present war.

COLONEL GILPIN said, that, as the representative of an agricultural county, and as one who had had an opportunity of consulting his constituents, as well as many other persons connected with the agricultural interest, since the proposals of the Chancellor of the Exchequer had been laid before the House, he could bear witness that the uniform feeling among them was antagonistic to the proposals of the right hon. Gentleman, and that, in their opinion, the imposition of an increased malt tax at the present time would fall most heavily and unjustly upon them. The right hon. Gentleman seemed to forget, while he was imposing a fresh injustice on the agricultural interest, that he himself had admitted that the income tax, as already imposed, pressed unequally on the landed interest in comparison with other interests, and now it was sought to inflict a further injury upon them in the shape of an increased malt tax. An increase of the malt tax was a means of raising a large sum with very little trouble, and no doubt the right hon. Gentleman gladly availed himself of it. But with free trade in corn, to tax home-grown barley to the extent of 7,000,000*l.*, could not be called an act of justice. One great objection he had to the tax was, that it would not produce the amount contemplated by its imposition, inasmuch as he had already found, and he thought experience proved, that when taxation on a generally consumed article was increased, the consumption of the article invariably diminished. He did not think that the present Government effectually exemplified the principles of liberality they professed by the way in which they endeavoured to treat the landed interest, whom they had first of all forced into competition with all the world, and now proposed to increase their burdens, hitherto all but insupportable. The only principle, in fact, upon which he believed the Government acted was that of putting their much-talked-of principles into their pockets, and extracting all the money they could out of the pockets of the landed and agricultural interests.

MR. WARNER said, he was not one of those who had felt much enthusiasm about this war, or much sympathy for the cause which it had become the fashion to call that of our ancient ally. It was surprising to him that those who had been most eager in calling for the declaration of war, were the first to raise difficulties and objections when Ministers were really attempting to carry it on. The Chancellor of the Exchequer explained the other night how Mr. Pitt's wars were popular, because of the great opportunities which his loans afforded for making enormous fortunes. Perhaps this war had lost something of its popularity, when hon. Gentlemen heard there was to be no loan. If they would go back a little further than Mr. Pitt's time, they would find that in that most dishonourable and disastrous war which we carried on with our American colonies, the Ministers were hounded on by the country gentlemen, who had been told, and believed, that by taxing the Colonies they might relieve themselves from the pressure of the land tax. We were not quite so ignorant now; perhaps not quite so unjust. Still it would appear, even now, that the means of carrying on war were to be made a secondary question to the reduction of the malt tax. It had been said that the Chancellor of the Exchequer's policy could not be trusted, because of the failure of some of his financial schemes of last year. He (Mr. Warner) still believed that the plan proposed for the creation of new stocks was a wise and well-considered measure. It would have turned to the advantage of the public revenue that unreasonable and ridiculous panic which existed at that time about the depreciation of gold. He believed, too, that that measure would have been successful had it not been for the discussions raised by the Member for Suffolk (Sir F. Kelly). To be sure, the right hon. Gentleman was unfortunate in his arithmetic. He laboured to prove that the scheme would cause a loss to the Exchequer, but it turned out, in the course of the discussion, that the gain would be all on the side of the Exchequer, and the loss for those who accepted the new stocks. Of course, the public took alarm, and the scheme failed. But it had been said that the scheme must in any case have failed in consequence of the fall in prices which would follow from the war; and the Chancellor of the Exchequer had been charged with recklessly putting forward his scheme, when, as a Member of the Cabinet, he must have been acquainted with the contents of those secret papers which had only just been made public, and must have known that war was inevitable. But those secret papers did not prove anything of the kind. Where did all this righteous indignation against Russian aggression come from? We stood by when America invaded Mexico, when France occupied Algeria, when our Government, with more shameless injustice than all, confiscated the revenues and annexed the territory of the blameless Ameers on the banks of the Indus. We had always shown a special sympathy for Russian ambition. Hon. Members who so loudly denounced the massacre at Sinope, and called upon our Government to avenge it, seemed to forget that there was once a massacre at Navarino. It had been said, with great truth, that this country had for a long course of years acted the part of executor to the will of Peter the Great. It seemed to him that the Chancellor of the Exchequer might fairly have expected that the present policy of Russia would be looked upon in this country as we had looked upon her former aggressions, with indifference, if not with approval. However, the question of to-night was simply this—would the House provide the necessary supplies for the existing war or not? We could not have war without taxes. The property tax reached one class of the people, the malt tax another; and both were properly to be increased together. If the war continued long, no doubt further additions must be made to both. He was glad to find that in this discussion it had been generally admitted that the malt tax, like other excise duties, was a consumer's tax. If, however, hon. Members were sincere in wishing to relieve the burden on the consumer, why did they not rather attack the licensing system. This was a tax on beer four times heavier than the malt duty. It was a subject to which he had given much consideration, and he believed it was perfectly practicable to do away with the licensing system without doing injustice to vested interests, with advantage to public morality, and with considerable benefit to the public revenue. He trusted that this Amendment would be withdrawn. It was not for the honour of the nation to have a division on it. The want of unanimity on the present occasion would be most injurious to our national reputation on the Continent, where the nature of our institutions was not understood. If the war was to be carried on in earnest, and the *prestige* of the British name maintained, they must vote this and all the necessary taxes not only with unanimity, but with acclamation. If they were not prepared for this, they must be ready to surrender their ancient liberties to the contempt of nations and the mockery of despots, and to proclaim to their enemies and the world that they were unworthy to exercise their boasted and blood-bought right to tax themselves.

The Marquess of GRANBY said, he felt some difficulty in giving any other answer to the speech of the hon. Member who had last addressed them, than that one part of it answered the other. In one part of it the hon. Member declared no one could refuse to vote the taxes for the war, as just and necessary; and in another part of it spoke as if no one could support it as just and necessary, and talked of Sinope as a set-off for Navarino. For himself, he begged to say that his opposition to the tax was not an opposition to the war. Individually he believed it to be neither just nor necessary. He believed it to be a war which had been occasioned by the exaggerated confidence exhibited towards the Emperor of Russia at one time, and the no less marked and needless bitterness and animosity displayed towards him at another. These were the real causes of the war, which he believed might in their absence have been avoided. But now we were engaged in the war, he was certain no one on his side of the House would attempt to obstruct the Government or withhold from them the supplies necessary to carry it on with vigour, so as to bring it to a glorious and successful issue. But they were bound to consider what were the means by which they should best raise the supplies necessary so to carry it on, and which would prove the least oppressive to the people whom they represented. He quite agreed in the principles which had been propounded by the Chancellor of the Exchequer, that the war was, whether just and necessary or not, at all events national; and that it should be paid for by all classes of the community. And it was because this principle was not carried out by the proposal for increasing the malt duty 50 per cent that he felt himself bound to resist it. The Government proposed to impose this enormous amount on one portion of the community — the one more heavily taxed than any other; and which had been deprived of protection, but relieved of none of its burdens. And it was on this ground he should certainly feel bound to oppose the imposition of this new duty. It was said, indeed, by some of the supporters of the right hon. Gentleman's measure, that the malt tax was not oppressive to the agriculturists; for that it fell upon the consumer. The noble Lord the Member for Portsmouth (Viscount Monck) had said, that it fell partly upon the producer and partly upon the consumer—that it was an exception to the rule that a tax levied on consumption restricted production, and that a tax upon malt did not tend to limit the growth of barley. That, however, was plainly not the opinion of the Chancellor of the Exchequer, who so far felt that an increase of 50 per cent on the malt tax would affect consumption and limit production, that he actually allowed an average of 5 per cent as his calculation as to consumption. If there were a diminution of consumption, it was clear there must be a diminution of production, and a diminution of production must fall upon the producer. What did Mr. M'Culloch say upon this subject, and no one would dispute his being an authority:—

> "It is needless to say that the malt tax, like any other tax on commodities, falls on the consumer. Still it must be admitted that it is indirectly, if not directly, especially injurious to the

agriculturist. Barley is a crop that is peculiarly suited to light lands, and which may be reproduced to the greatest advantage in an improved rotation of green crops. But if there be a duty of 20*s.* a quarter upon malt—the produce into which barley is almost universally converted—the demand for malt is materially diminished, and the farmer is in consequence prevented from sowing barley, when, but for this, it might be more suitable than any other variety of corn. It was not easy to estimate the injury which this indirect influence of the malt tax inflicts upon agriculture; but the fact of its inflicting an injury is indubitable."

And if a duty of 20*s.* a quarter inflicted an indubitable injury, much more must be the injury inflicted by a duty of 32*s.* a quarter.

> "It would be unjust, seeing that the tax, by narrowing the demand for barley, obliges the farmer to adopt certain measures inimical to his interests, to expose him without corresponding protection to competition with the foreigner. Perhaps it would require a duty of 1*s.* 6*d.* or 2*s.* a quarter on foreign corn to countervail the unfavourable effect of the malt tax."

Thus, then, on the united authority of the Chancellor of the Exchequer and Mr. M'Culloch it was established that the malt tax diminished consumption and inflicted an indirect injury on agriculture. He would now beg to draw the attention of the House to the difference between the incidence of an Excise duty and a Customs duty. If a Customs duty was imposed on an article which was produced in England, it might be that the price paid by the consumer in this country would be raised; but there was this set-off against the increase in price, that the production of the home article was stimulated, and the production of it was enlarged, so that the consumer had that benefit; and if he were a producer, not only had he not to pay the whole amount of increased price, but he had more money in his pocket to pay for it, owing to the increase of demand for an article which he himself produced; whereas, if an Excise duty were laid upon an article produced in this country, the consumption of the article was diminished, and the price increased, without the set-off referred to, so that the whole weight of the measure fell on the consumer. This was a material difference, which ought to regulate our legislation in regard to taxes. It was remarkable that a person of the astuteness of the Chancellor of the Exchequer should be reduced, upon a great emergency like the present, to propose the doubling of a tax which inflicted such signal hardship on one class of the community, especially as the right hon. Gentleman professed the principle of placing the burden of the war equally and fairly on all classes in the community alike. This showed the difficulty in which the Government were placed to find means for carrying on the war. And it was impossible not to remember the time when the Members on that (the Opposition) side of the House night after night warned the supporters of the financial policy of free trade that the day would come when they would discover that they had pursued a wrong course of legislation—that if at any future time the country should be plunged in war, they would miss the duties which they then were so recklessly and needlessly abandoning — that they were employing an engine unnecessarily which had always been reserved for seasons of emergency — that they were using a war tax in time of peace, and in time of peace dissipating the resources which ought to be husbanded against a time of war. Those who gave these warnings were disregarded and derided; they were told that they knew nothing about the subject they talked of—that nations would not now go to war as they did in former times—that the relations of States were altered — that since the system of free trade a pacific spirit had sprung up, and that a sense of mutual interest would prevent any danger of war. Little had he thought to see, and sorry was he to find, so speedy a realisation of these warnings, so rapid a fulfilment of these predictions. Such were the views and such the reasons on which he should give his cordial support to the Amendment.

MR. POLLARD-URQUHART said, he might vindicate his support of the Amendment upon the principle once appealed to and avowed by the noble Lord (Lord J. Russell) the leader of the Government in that House, that it mattered not, so that men agreed to act together on any measure, by what reasons they arrived at the result. On this principle the noble Lord would hardly quarrel with him for voting, although a firm Free trader, with the opponents of free trade in resisting the present measure. He had often heard free trade supported on the principle that the agriculturists might be allowed to make the best use of their produce. Now barley was a very valuable article of their produce, and one for which the soil and climate of this country peculiarly fitted it; and it was a great hardship, by an increase of the duty on malt, to limit the production of this kind of corn. It was absurd to argue that the tax did not fall on the producer. It was a common argument with free traders that the reduction of a duty increased consumption—an argument which must hold good as to malt as well as to tea or coffee. There was no reason to doubt that the consumption of barley would be diminished by the increase of duty on malt. The agriculturists had suffered more severely than any other interest during the legislation of the last few years, and now it was to have an addition to its taxation, while deprived of all protection. Some years ago, when the repeal of the Corn Laws was first clamoured for, it was said that the repeal of the malt tax must follow it ; and more recently it had been said that if the malt tax were repealed, the income tax must be renewed. Well now the Corn Laws had been repealed, and we had both the income tax and the malt tax. It had been always urged when the repeal of the malt tax was asked, how would it be possible to dispense with a tax which produced 5,000,000*l.* to the revenue ? and now it was to be increased to 7,000,000*l.* If it was difficult to get rid of it when it was worth 5,000,000*l.*, how much more difficult would it be to get rid of it when it was worth 7,000,000*l.*

MR. CROSSLEY said he had expressed, upon a former occasion, his opinion that we ought not to have been mixed up in this war, and he had then given his reasons for that opinion. He should not therefore, detain the House further upon that subject, except to say that, if the country and the House had agreed with him, they would not have been reduced to the necessity of putting on new taxes, but would have been engaged at that time in the much more agreeable duty of making remissions of taxation. Their trade also, instead of being crippled, would have been extended. But they had now gone beyond the question whether they should go to war or not. They were actually at war already ; and he for one should not stand in the way of Her Majesty's Ministers carrying on that war with vigour, and bringing it, if possible, to an early and succesful termination. He believed there were not many " total abstainers " in that House, but he happened to be one of them. And he must express his opinion that, of all indirect taxes, there was not one that could be found that would inflict so small a hardship on the payer of the tax, and at the same time confer so great a benefit on the revenue, as this proposed addition to the duties upon spirits and upon malt. The hon. Mover of the Amendment had called beer the bread of life ; he (Mr. Crossley) should have been better prepared to agree with him if he had called it the death of life. He believed that there was no strength in these intoxicating drinks ; and the tax upon them was self-imposed, because any man might avoid paying it by abstaining from consuming them. A good deal had been said about this being a farmer's tax. To be sure it was a farmer's tax, in the same way as it was everybody else's tax who thought proper to consume the article upon which the tax was laid, but not otherwise. It might just as well be said that the tax of 30 per cent which was levied upon carpets manufactured in this country, on their importation into the United States, was a tax upon the manufacturer. But it was no such thing. The manufacturer did not charge his American customers 30 per cent less than he charged to his customers in England. On the contrary he charged them the same price ; and if the Americans thought proper to put on 30 per cent more, for the purposes of State Government, it was the purchaser of the carpets who paid it, and the manufacturer had no right to complain. Nor had a grower of barley any right to complain if the consumer of malt chose to pay a tax to the Government. Of course, the tendency of every tax was to enhance the price of the article on which it was laid, but he had yet to learn that this country could not take the whole produce of its own soil. So far from that being the case, the demand was greater than the supply ; and England, her colonies, and foreign countries together could scarcely get us enough. In his opinion, this was altogether a consumer's tax, and the Amendment had come from the wrong quarter. It ought to have come, if from anywhere, from the consumers in the large towns; but the large towns had made no complaint upon the subject. He would not detain the House at any length, but he should give his vote in favour of the Government.

MR. BENTINCK said, the subject before the House was so closely connected with a question upon which he held, and had always held, very decided opinions—he meant the question of Protection—that, however difficult he might feel it to abstain, he was afraid it would be almost impossible for him to enter on the topics on which he had intended to address the House, without making, directly or by implication, observations which, however readily or unhesitatingly he might have made them if the right hon. Gentleman the Chancellor of the Exchequer had been present, he might regret extremely having been induced to make in his absence. He should not, therefore, enter upon those particular points to which he had intended to refer, and he regretted this the less because all the details of this much-vexed question had been so ably gone into by the hon. Gentlemen who had preceded him that there was really nothing to be said upon the subject. There was only one remark of the Chancellor of the Exchequer, of a more general and historical nature, to which he would permit himself to advert. The right hon. Gentleman, in introducing this measure, had stated correctly, as one of the arguments in favour of the imposition of this tax, the fact that a very large addition to the malt duty had been made during the late war. No doubt, the right hon. Gentleman was perfectly accurate in that statement; but he had no right to read a page of history, for the purpose of advancing his argument, without turning over to the following page, to see what had happened afterwards. Now, if the right hon. Gentleman had gone further, and had remembered what had occurred on the termination of the last war, he would have found that, although during the continuance of the war a large malt tax had undoubtedly been imposed, yet, after the war was over, not only had the malt tax been reduced, but protective duties upon corn had been imposed, in order to protect from a ruinous foreign competition that class which had borne so large and so disproportionate a share of the expense of the protracted struggle in which the country had been engaged. If hon. Gentlemen opposite who used to call themselves Protectionists would promise, on the termination of the war, to reimpose protecting duties as they stood in the year 1846, he would promise to give his vote in favour of these present propositions. He would not detain the House, except to protest against the measure now before the House, as a measure at variance with justice, and irreconcilable alike with honesty of purpose and with consistency of principle. It was a proposition from a free-trade Government to impose additional protective duties, and it proved one of two things—either that the principles of free trade were utterly hollow and fallacious when subjected to the test of an emergency like the present, or that all the professions of attachment to those principles which had been made by the present Government had been in fact a systematic deception, and that this was only the first step towards the completion of a system by which they hoped to withdraw all the principal burdens of taxation from the towns, and to throw them upon the country.

Mr. J. BALL said he had listened, but had hitherto listened in vain during the debate, for some explanation of the means by which the war was to be carried on, if the taxes proposed by the Chancellor of the Exchequer were not to be sanctioned by the House. It would be very delightful, no doubt, to have beer cheap as well as tea and other articles of general consumption; but in order to secure this, we must have a cheap war, and the progress of science had unfortunately not gone so far as to enable us to have that. He had felt some alarm and anxiety during the Chancellor of the Exchequer's recent statement, lest the right hon. Gentleman should have been tempted, by the exigency of the occasion, to go back from two of the great measures which had been carried last year—the reduction of the duty on tea, and the repeal of the Excise duty on soap. He had felt greatly relieved himself, and had felt convinced that the working classes would feel greatly relieved also, by the right hon. Gentleman's declaration that he had no such intention. But if the principle which had been laid down in the financial statement were a sound one, and if the great body of consumers were to contribute in some measure towards the expenses of this war, he could not avoid the inquiry, "in what manner is this contribution to be obtained?" He believed that the working classes, generally, had made up their minds to contribute, and that there was no way in which they would so cheerfully do it as by submitting to the additional tax which it was proposed to levy upon malt. As an Irish Member, he would admit he felt some little disappointment at the proposal to increase the duty which was levied upon Irish spirits. There were some special circumstances connected with that tax, and there was reason to fear that any increase of its present amount might stimulate illicit distillation to an extent which would far more than counterbalance any probable addition to the revenue. But he would not upon this ground take part in any opposition, which might have for its object the defeat of the general measures of the

Government. He hoped, however, that, when the war ceased, the position now to be taken would be abandoned, because the additional duty, although it might be successful during the continuance of the war, and in periods of high prices, would be sure, when prices became low, to bring about a return of that most mischievous and destructive system of smuggling and illicit distillation to which he had referred. Finding that Ireland, which paid one-sixth of the tea duty, and one-fifth of the tobacco duty, paid only the thirteenth of the malt duty, he could not, as an Irish Member, attempt to persuade the House that there was any financial injustice towards Ireland involved in the propositions of the Chancellor of the Exchequer. If he had thought with the hon. Member for Manchester (Mr. Bright), or with the noble Lord opposite (the Marquess of Granby), that this war was not a just and necessary war, he should have brought forward any arguments he might have been able to lay hold of, in order to carry his point with the House, but he thought that even then he should have had some hesitation in endeavouring to persuade the House that this was in reality a tax upon the agriculturist. Every one must know that it was a tax on the consumer; and although some part of it—perhaps a twentieth or a thirtieth—might have to be borne by the farmer, he thought that the farmers of England must be very different men from what they used to be, if they would complain of having to contribute so small a proportion towards the expense of carrying on a war which was so just and necessary, and so essential to the honour and interests of England. He believed the agriculturists would dissociate themselves from the opposition which was making to this measure; and for himself—having in vain endeavoured to find out a way of providing for the expenses of the war which should not involve greater hardship and injustice—he should feel himself not only justified, but bound to give his vote in its favour.

MR. BARROW said he should support the Amendment. He had understood the right hon. Gentleman the Chancellor of the Exchequer to propose the addition to the income tax as one which would affect those classes whose incomes exceeded a certain annual amount; and the addition to the malt tax as one which would affect the main body of the consuming community whose incomes were below that amount. He apprehended, however, that the broad injustice of this tax consisted in the fact that it fell upon the farmer, both as a producer and as a consumer; and that it fell most severely upon those classes of small farmers who had only recently been brought within the operation of the income tax. He was surprised to hear any doubt expressed as to the malt tax being injurious to the producer as well as to the consumer. If it had any effect whatever in limiting consumption, it must reduce the demand, and, of course, also reduce the price. The difference between a duty levied upon an article like malt, which was the produce of our own soil, and a duty levied upon foreign produce, consisted in this—that in the one case that portion of the duty which was paid by the producer was paid by our own countrymen, while in the other case it was paid by the foreigner. He had been surprised to hear it stated in that House, that this was not a proposition which affected the question of unrestricted competition. He wanted to know how the farmer was to pay a tax of cent per cent upon his produce, and yet to compete with the foreigner who was subject to no such encumbrances as those to which he was exposed. The malt tax impeded the free action of the farmer in reference to the feeding of his cattle, and interfered with the free cultivation of his land for those purposes for which it might be most beneficially employed. He believed that, if the growth of barley were encouraged by the repeal of the malt tax, a very large amount of land not now producing barley would be found applicable to that purpose. These were his reasons for giving his support to the Amendment. He did not consider himself bound to suggest to the Chancellor of the Exchequer, as had been hinted at by the hon. Member for Carlow (Mr. J. Ball), what were the articles on which he ought to impose taxes, but he entertained no doubt that they should be articles of foreign produce. He attached considerable weight to the objection that by increasing the price of malt liquor, they would drive the consumers of it to make use of a much more injurious beverage. He had closely watched the effect of both ardent spirits and malt liquor on the population, and the injury produced by the latter was infinitely small as compared with the former. If only for this reason, although he admitted that funds should be forthcoming to enable the Government to carry on the war in a proper manner, he should feel bound to vote against the proposal of the Chancellor of the Exchequer.

MR. WILKINSON said he thought hon. Gentlemen opposite had wholly misunderstood the question. Free trade had nothing to do with the imposition of this tax. He did not understand that the imposition of a duty upon tea, which was wholly produced in a foreign country, or a duty upon malt, which was wholly produced in this country, was at all inconsistent with the principles of free trade.

MR. NEWDEGATE thought the hon. Member (Mr. Wilkinson) had accepted a very curious definition of free trade. In his (Mr. Newdegate's) opinion, free trade meant a trade unfettered by Excise or Customs duties. Those two words, "free trade," surely meant a trade unfettered by fiscal regulations; but hon. Gentlemen opposite said that was not what they understood by free trade. Those hon. Gentlemen had never contemplated real free trade, except with regard to certain articles of Customs. True, whenever an Excise duty operated injuriously upon any department of trade, which they represented, they were clamorous for the repeal of it, of which the repeal of the Excise upon printed cottons and upon soap were instances. Whenever a duty affecting their own interest came under view, they were for striking it off; but their co-operation was withheld when the interests of agriculture were concerned. He humbly submitted that the definition of free trade as propounded by hon. Gentlemen opposite, was simple nonsense; for the restrictions under Excise regulations were far more interruptive of industry than any Customs duties. After an article, subject to a Customs duty, had been delivered from the Custom House, there were no further restrictions upon the manufacture of it—no delays in the several processes to suit the convenience of Government officers—no measurements—no interruptions, as in the case of Excise duties; besides, it had been admitted that in many cases the burdens of taxes upon articles were shared between the producer and consumer. This was true, and in the case of Customs duties the burden of them was often, if not generally, shared between the foreign producer and the English consumer; but in the case of Excise duties the whole burden must of necessity fall upon the people of this country, who were both the producers and consumers of the articles subject to the Excise. With regard to the proposal of the Government with respect to malt, he sincerely lamented it, because he believed it would be found most unpopular in the country. This, at least, the Government must have known, after the repeated proposals for the modification or repeal of the malt tax, that it was impossible for Members on his (Mr. Newdegate's) side of the House to vote for the increase of it. The Government had maliciously cast this bone of contention upon the floor of the House of Commons. He had no desire to interfere with the arrangements of the Government for carrying on the war; but when he considered the wanton manner in which they had selected this tax, he could not help doubting their sincerity in wishing that the country should be unanimous as to the means for carrying on the war. Since the time of the Commonwealth the malt tax had been regarded by the people as an unmitigated burden and harassing restriction. While the agricultural classes had an especial right to feel that the conduct of those who now held office had created the necessity for the increase of taxation, which was to them especially obnoxious, what had been the course of the Government with respect to the repeal of taxes during the time of peace? Year after year they had been repealing taxes, until they had succeeded in casting 15,000,000*l.* or 16,000,000*l.* aside. Still, although they had this mass of articles from which to choose, they had had recourse to malt for this contribution of 2,400,000*l.* The very reason why the soap tax had been repealed should have stood for the repeal of the malt tax, namely, because it was an Excise duty. But last year the Government threw away 600,000*l.* of Customs duties on minor articles, on which the duty might well have been retained, as they were articles of luxury. To complete, as the Government called it, the Customs list, they had repealed the duty on pictures at so much a foot; on pickles, on turtle, and on truffles. True, those were minor articles of consumption, but they were articles strictly of luxury, and he adduced them as affording a fair illustration of the wanton sacrifices of duties to the extent of 600,000*l.* a year, duties of which no one complained, and which had yielded a considerable revenue; by the abandonment of which no saving in the expense of the Customs establishment had been made, for the packages containing the articles had to be examined just as much as though the duties were still levied. He confessed he could not reconcile the professed wish of the Government to carry the country with them in their scheme of increased taxation with the circumstance of the present increase in the burdens bearing indirectly upon agriculture. Last year the Government had imposed a succession tax, and they reimposed the income tax, the former bearing chiefly upon landed property—the latter in an unfair proportion—notwithstanding the assertion of the right hon. Baronet the Member for Droitwich (Sir J. Pakington), which had never been contradicted, that real property already bore 17,000,000*l.* more in the shape of taxation, from which other property was exempt. The succession tax and income tax were taxes that were properly war taxes, that ought to have been reserved to meet extraordinary emergencies, but they had been used to supplant, and for the destruction of, the ordinary sources of revenue in a time of peace. When the Government had commenced the destruction of the ordinary sources of revenue, they were warned that the time would come when they would regret that they had dried them up. The right hon. Gentleman the Chancellor of the Exchequer had been pleased to speak in terms very disparaging of the measures of Mr. Pitt. In the absence of the right hon. Gentleman he (Mr. Newdegate) would not touch upon certain historical references made by the Chancellor of the Exchequer, or upon the comparison between his policy and that of Mr. Pitt, which he had ventured upon. But he (Mr. Newdegate) could not avoid some reference to the contrast between the conduct of the present Chancellor of the Exchequer and the manner in which that great statesman, Mr. Pitt, had carried the country through the great struggle of the last war, which manifested the completest consideration for the interests of the whole community. He took care—by the relaxation of the monetary laws, by favouring trade in every way he could, and by the adoption of a protective policy—to create and develope the power and resources of the people from whom it was intended to draw taxation. The right hon. Gentleman's policy, however, was the reverse of that. He had diminished the balances of the Bank, and thus had prevented the wealth and resources of the country being made available to promote its commercial interests. The Members of the present Government had supported the Bank Act of 1844 at the very moment they were adopting a system of free trade, which tended to drain the country of its bullion—["No, no!"] Hon. Gentlemen opposite denied that conclusion. Well, let them look to the state of the Bank of France—of protective France—and let them compare its condition with that of the Bank of England during the last seven years, and would they still contend that free trade had not drained the country of bullion? Yes, let them contrast the position of the Bank of England with that of protective France; let them consider the difficulties of France, the circumstances of the times, and compare the position of that great national institution with that of the mighty establishment of this country, and remember that the fortuitous discovery of gold had afforded the means of enabling the Bank of England to protect the trade and resources of England against the crippling tendency of their banking laws, which the framers of those laws could not have foreseen. No, it was vain and idle to deny that while Mr. Pitt adopted every means to ease the pressure of the taxation he required, and to strengthen the national resources from which he drew his means, that the Government are pursuing an opposite policy.

Mr. J. WILSON said, he was not about to dispute with the hon. Gentleman who had just sat down what was the precise meaning of the term "free trade." Whether the proper phrase was free trade or unrestricted competition was a matter of indifference, as long as the principle of protection was agreed to be abandoned. Nor was he disposed to follow the hon. Gentleman, and others who had preceded him, into the various topics which had been started, either as to the policy which had led to the war, or as to the general question of free trade, or as to the propriety of an Excise duty on malt, because all these questions had been formerly fully discussed, and because they were not now before the House. The policy of the war especially had been repeatedly assented to by that House; and he thought he might take it for granted now that they were all agreed that the war was to be carried on with spirit and vigour. The only question, therefore, before the House was this, in what manner were the expenses of the war to be furnished? Now, one great principle laid down by the Chancellor of the Exchequer was this—that at the commencement of the war, at least, it would be unworthy of that House to have recourse to the loans in which their forefathers indulged. The principle, therefore, he thought had been fully assented to by the House, that in the beginning of the war, at least, the expenses should be raised as far as possible within the year. He said for the present, because he did not mean to say that some other proposition might not be necessary hereafter. There was another principle which had been laid down and generally assented to, namely, that direct taxation should take precedence of indirect taxation. On that point, he thought the House had acted with a great degree of liberality, and had set an example which all other classes might follow, in so freely accepting an increase of the income tax. The first experiment in the increase of taxation which his right hon. Friend proposed, was an addition of 3,250,000*l.* to the income tax; and now a further increase was proposed of 3,250,000*l.* more; making a total increase to the amount of direct taxation of 6,500,000*l.* within the year. But, as his right hon. Friend had very properly stated in his speech, he thought it necessary also to propose a large amount of indirect taxation to be paid by those who were not touched by the income tax, but who ought to contribute their share to the expenses of the war. The only question which the Government and the House had to consider was this. Supposing that 2,500,000*l.* were to be raised by indirect taxation, what was the least prejudicial mode of raising it? Various substitutes had, no doubt, been recommended. One hon. Gentlemen had suggested that 5 per cent additional duty should be levied upon all imports. But the hon. Gentleman had surely forgotten the great experiment made in 1841, when at a period of financial difficulty the House agreed to levy 5 per cent upon all imports; but instead of gaining the amount anticipated, it was found that the Customs duties had scarcely, if at all, advanced beyond their amount in the preceding year. Now, on a question of war expenditure, it was all important that they should be assured of the results of an increase of taxes, and he believed that in no case had an increase of duty been attended with an increase of revenue so much as in the case of malt, which showed how little the consumption of beer was affected by an increase or decrease in the duty. The hon. Member who spoke last upbraided the Government for having thought it right to reduce the Customs duties last year, and said that if these duties had been retained any additional impost would now have been unnecessary. Were these hon. Gentlemen aware that, notwithstanding these reductions, both in the Customs and Excise, instead of any loss, the revenue had increased? ["Hear, hear!"] He understood the meaning of those cheers, and he would advert to them by and by. But he might state that while the Customs duties in 1852 produced 20,551,000*l.*, last year, after the reductions were made, they produced 20,902,000*l.*, or an increase of 350,000*l.* The same might be said with regard to the Excise duties. In 1852 the Excise duties amounted to 14,835,000*l.*; in 1853, in spite of the repeal of the soap duty, they amounted to 15,337,000*l.*, being an addition of 500,000*l.* to the revenue. He knew very well that hon. Gentlemen opposite would say—then why increase the malt duty? But he had already stated that while every experiment on the Customs duties by way of increasing the impost had failed, the experiment of increasing the malt duty had not failed. The hon. Gentleman who had just sat down had also read the Government a severe lecture, because the general tendency of legislation of late years had been to repeal Customs duties, by which many millions of revenue, he contended, had been thrown away. But surely the hon. Gentleman, who he knew was one of the most industrious readers of Parliamentary papers in that House, had omitted to look into a most valuable paper lately laid on the table of the House by the right hon. Gentleman the President of the Board of Trade, which showed that from 1842—the year in which these vast reductions in the Customs and Excise had begun to be made—up to the present moment the increase of revenue from ordinary sources was 2,000,000*l.* more than in 1841. The total net revenue in 1841 was 48,000,000*l.*; in 1853 it was 54,500,000*l.*, being an increase of 6,500,000*l.* If from the income of 1853 there were deducted 5,500,000*l.* income tax, the net revenue would be 49,000,000*l.*, derived from the same sources of Customs, Excise, and assessed taxes, being 2,000,000*l.* more than before these reductions of 16,000,000*l.* sterling, of which the hon. Gentleman (Mr. Newdegate) complained. The effect of the alteration in the sugar duties proposed by the Chancellor of the Exchequer would be, that, instead of being equalised at 10*s.*, they would be equalised at 12*s.* Where there was a difference—and no doubt there would be a slight one—it would not be of a protective nature, inasmuch as it would apply just as much to foreign as to West India sugars; and, indeed, he should be deceiving the West India interest if he threw it out as a boon, for he was disposed to let them know all the truth—it would apply in larger proportion to the Manilla and Brazil sugars than to the West Indian. So far, therefore, as the principle of protection was concerned, he denied entirely that anything of the kind was to be found in the present measure. The hon. Gentleman also said that the Government, having last year repealed the duty upon soap because it was an Excise duty, were now acting diametrically opposite to their own principles, inasmuch as they now proposed an increase in an Excise duty; but hon. Gentlemen who had listened to the debates in that House must be well aware of the distinction between removing an obstruction altogether and adding to a duty without causing an addition to the obstruction which already existed, and that was his reply to the taunt of the hon. Member when he charged the Government with getting rid of one Excise duty one year and increasing another the next. With regard to the question, which had already been worn so threadbare by discussions in that House, as to who paid the tax, it was one which he had hardly expected would have been raised on the present occasion. The argument on the other side was, that the increase in the duty would cause a reduction in the price of barley. What had been issued by all the metropolitan brewers that morning? Was there any reduction in the price of malting barley? If there was, the Mark-Lane market showed none, for it was quoted that day at from 38*s.* to 41*s.* per quarter, and he asked, was not that a fair price? But had they not an increased price of beer? Was it not true, as had been stated to the House by an hon. Member, that the brewers had issued a circular raising the price of that article to a sum that rather more than covered the increased duty upon malt? The duty upon malt was to be increased by 2*s.* 10*d.*, but the increased price of beer was 3*s.*; and therefore the brewers not only repaid themselves for the increase of duty, but charged somewhat more for the interest upon advances. The whole question of who paid for the increased duty was at an end, for the Mark-Lane quotations had told them the producers did not, and the brewers' circular that the public did pay for it. What, then, was the use of discussing speculative opinions upon this subject, or the conclusions based upon such opinions? This question had received the earnest consideration of the Government, and he assured the House that the principle was adopted with an honest view, and a full determination of laying the duty on the consumer in the fairest possible way, so that it should be distributed among the whole community in a manner that would inflict the least injury upon the industry and trade of the country. This duty had been selected above all others in order that the whole community should contribute towards the taxation in the same proportion in which they consumed the article.

Mr. SPOONER said, after four hours of discussion, it was a matter of congratulation that at last they had been able to get one Member of the Government to stand up in support of the tax, though, at the same time, he must say they were not much enlightened on the subject immediately before them by the speech which they had just heard, for almost every other matter had been discussed by the hon. Secretary for the Treasury except the precise question at issue. Now, what was the objection of his hon. Friend the Member for the North Riding of Yorkshire (Mr. Cayley), who had proposed the Amendment to this tax? He said, that it was exceedingly unjust towards a large class in the country; nevertheless, the hon. Gentleman the Member for Westbury (Mr. Wilson) had never dealt with the question of its injustice, but had rather endeavoured to draw the attention of the House to the question of the sugar duties, and several other points connected with the revenue of the country. He believed that it would have been only fair if the Chancellor of the Exchequer, in considering the articles proper for taxation, had borne in mind that the malt tax was one on which no reduction had ever taken place, and that he might have shown more consideration by proposing the reimposition of some of the duties already removed, rather than the augmentation of one so unjust and oppressive as was the malt tax. Why, for instance, could they not have arrested the reduction of the duties upon tea? He was sure, at all events, that the Chancellor of the Exchequer would not have opposed such a proposal, because he must know very well that the peculiar condition of China at this moment prevented the increased consumption of our manufactures

—that with reduction of the duty upon tea an immense quantity of silver had been drawn from India, and that thus the exchanges had been very much disturbed. Much had been said in the progress of the discussion as to whether it was the consumer or the producer who would have to bear the burden of the tax. Now, the fact was, as was clearly stated by his hon. Friends the Mover and Seconder of the Amendment, it would fall upon both those parties. But he would ask the hon. Gentleman opposite (Mr. Wilson), who were the great consumers of malt throughout the country? The great consumers of malt were the labouring classes — the peasantry of the country; to which might be added the farmers — the very producers of malt. And, therefore, when his hon. Friend and Colleague (Mr. Newdegate) argued that by laying a tax upon malt the Government was contravening the principles of free trade which they had adopted, he was perfectly correct in his position. For was not malt to the farmer what cotton goods were to the manufacturer? Was it fair to tax the raw produce in one case, and release it in the other? But, independently of that consideration, did this not deprive the farmer of the ability to furnish his labourer with a good and proper subsistence in thus augmenting the price of beer? for, although they had it from the hon. Member for Halifax (Mr. Crossley)—who, however, confessed that he never used the article himself—that the use of beer was not beneficial to the labouring man, he (Mr. Spooner) would affirm that there was hardly a workman throughout the country that could not testify to the benefits he had derived from the use of good and wholesome beer. He would tell the Government that the effect of increasing the duty would be to render all private brewing in cottages impossible, which would have the effect of driving the working classes throughout the country to resort to the public-house. The noble Lord the Member for Portsmouth (Visct. Monck) had stated he did not believe that, after all, the tax would fall upon the producers of barley; and he went on to utter a most extraordinary argument—namely, that the tax affected the agricultural interest to but a very slight degree, because only the superior qualities of land were capable of producing the superior qualities of barley. Now therein exactly was to be found the grounds of their complaint. The best qualities of barley could only, it was perfectly true, be grown upon certain qualities of land; that was necessarily limited, and they therefore, by imposing an equal duty upon all kinds of barley, rendered its cultivation upon poorer soils impossible, and the consequence was, they enhanced the price of beer, and narrowed the field of the farmer's exertions. And, besides, this was to be considered, that if there was no tax upon malt, the farmers would use it for the feeding of cattle. It was all very well for hon. Gentlemen opposite to be led away by the foolish theories of speculative professors, one of whom had gone to Edinburgh and experimentalised as to the effect of malt upon two young heifers that were full of milk, and which they tied up by the neck in a stable. Now, he ventured to tell the hon. Gentleman, having had a little experience himself in the matter, that if the farmers were permitted to use their own malt untaxed, they would be able to produce meat for the consumption of the country at a far cheaper rate than they could now do. Not by giving the cattle dry malt, but what was termed sweetwort —boiling it and mixing it with hay. But the hon. Member for Westbury (Mr. Wilson), quoting the prices of Mark Lane, would have the House believe that the price of barley had not fallen, and that the price of beer had risen. Why, every one who knew anything of the subject, was able to tell the hon. Gentleman that the malting season was over, and consequently the barley market was also over, and, therefore, that no account could be taken of what was happening just then; but they must wait and see what would be the effect in future times. He maintained that the result would be, that much less barley would be grown, because the consumption would be less. It was not long since they had heard the Chancellor of the Exchequer admit—and it was a subject which his right hon. Friend the late Chancellor of the Exchequer (Mr. Disraeli) had some years ago demonstrated in the most decided manner—that the landed interest was most unjustly treated under the income tax. And yet here they were, notwithstanding that they were about to double the income tax, which pressed so unequally upon one class of the community, about, in addition, to place the burden of the malt tax upon the same interest. It was most untrue to say that those who opposed the imposition of this tax manifested an unwillingness to defray the expenses of the war. He would ask, was there ever a time when Ministers received such general support in entering upon the prosecution of a war as upon the present occasion? But the question now to be determined was not whether the war was politic or not; it was what was the best mode of raising the taxation necessary to carry on that war? He maintained that, as far, at least, as the increased malt duties were concerned, they were adopting the very worst means, and which would have the effect of rendering the great bulk of the population of the country dissatisfied with its prosecution. The people of England were ready to defend the character and safety of their country, as well as the dignity and happiness of the Crown. But at the same time they would require that every interest be considered, and that the burdens should not press unequally. He could, therefore, tell right hon. Gentlemen opposite, that if they used an argument which he had heard adduced both there and elsewhere—namely, that those that cried out for war should be made to feel the evils of war—he warned them not to carry out the principle too far; he warned them not to oppose themselves too much to the patience and forbearance of the people, who, though they might be patient and forbearing in other respects, would not bear to be unjustly dealt with. In conclusion, he would only say, that, failing to be convinced by anything which he had heard in the course of the discussion, and believing that the tax was most unjust and unequal, he would most cordially support the Amendment of his hon. Friend the Member for the North Riding of Yorkshire (Mr. Cayley).

SIR CHARLES BURRELL said, he entirely coincided with the observations of his hon. Friend who had just resumed his seat. All were aware of the bad harvest which they had last year, and of the evil consequence to agriculture. Looking forward, it was impossible to determine what kind of a harvest they would have this year, and, therefore, he warned the Government as to what might be the results of an augmentation of taxation upon produce which fell short of that of ordinary seasons. The determination of the Government of a former day to carry the Beer Bill had been productive of the greatest immorality. He should give his cordial support to the Amendment.

MR. SANDARS: Sir, as I differ in opinion on the question of the malt tax from most hon. Gentlemen on this side of the House, I am desirous of saying a few words to explain the vote which it is my intention to give in favour of the right hon. Gentleman's proposition. I have at all times been in favour of a retention of the malt tax, contending that no other tax could be substituted to raise so large an amount of revenue, and at the same time be so little felt by the public at large. Nor do I agree with hon. Gentlemen on this side of the House that this is chiefly a farmer's question. On the contrary, I contend it is mainly a consumer's question: it is the consumer who will have eventually to pay the higher duty, and I believe that the higher the duty is, the better is the farmer able to contend against the introduction of low-priced and inferior qualities from abroad. Depend upon it, with a high duty, the best barley—such as are produced in our favoured barley-growing counties—will be those that are sought after by the maltster, as he cannot afford to pay the same duty on an inferior quality, as on the best qualities. For instance, suppose the best barley is worth 40*s.* per quarter, add duty 32*s.*, is 72*s.*; a secondary quality worth 35*s.*, add duty 32*s.*, makes 67*s.* per quarter. Now it is probable that the former would be worth 10*s.* per quarter over the latter in point of produce to a brewer, though it cost within 5*s.* per quarter, thus giving to the maltster from fine barley a great advantage over the producer of a secondary quality. Sir, we are unfortunately at war, and the ways and means of carrying on that war effectively, so as to bring it to a speedy and successful termination, must be found. For my part, I am not disposed to throw any obstacle in the way of Her Majesty's Government, and I think those hon. Gentlemen who object to the raising of some 2,500,000*l.* by the increase of this tax should show how an equal amount can be levied with so little injury to all the great interests of the country, not omitting even the agricultural interest. One feature of great importance, also, is that every penny levied will go into the public exchequer. The machinery for collecting it is already in force. 4*s.* per bushel can be as easily collected as 2*s.* 9*d.* No doubt this increased duty will entail a serious loss on the maltster. I have had complaints from many amongst my constituents, and have had occasion to lay those complaints before the Chancellor of the Exchequer, and I am bound to admit that the right hon. Gentleman has paid the greatest attention to them. Some of those complaints have been removed, others are in a fair way of redress; but should those not be met it will be my duty when the Bill goes into Committee, to propose such alterations and amendments as will meet the just complaints of the trade. They did not wish to throw difficulties in the way of the Chancellor of the Exchequer's scheme. All they wanted was, that their reasonable objections should be met in a fair and liberal spirit. For these reasons, Sir, believing that no better mode can be found for raising so large an amount of revenue, and believing, as I do, that it is a consumer's tax, and that those pay most who consume most, and believing, Sir, that it will not injuriously affect the agricultural interest, it is my intention to vote for the Bill of the right hon. Gentleman the Chancellor of the Exchequer.

Mr. FLOYER said, the speech of the hon. Member who had just sat down went to this extent—that now, as we had arrived at a period when we have unlimited competition, the position of the agriculturist would be less burdensome, if a heavy duty were to be placed upon the principal article of his produce. The hon. Gentleman, then, in adopting the views of the Chancellor of the Exchequer, seemed to say he thought that one great recommendation of the tax now proposed was the fact that it would not operate to give or impose any additional restriction upon the capital employed in commerce and in the industrial resources of the country. He (Mr. Floyer) did not know why that argument should be restricted to that tax in which the agriculturists were so deeply interested. Why was it not applied to the general body of taxation? If the argument be carried out to a logical conclusion, we should arrive at that point when we should have only one gigantic tax most oppressive and ruinous to that particular interest. He knew not why the Treasury bench had been this night so long silent. Surely, when the question was one involving a large amount of taxation, to be raised from a body that was admitted even by the occupants of the Treasury bench to be already grievously and unequally pressed, he thought it hardly courteous to that great interest to propose to levy such a tax as this with so little of argument, and opinion, and reason to justify such an imposition. Some twelve months ago he listened to an elaborate and ingenious speech of the Chancellor of the Exchequer, when that right hon. Gentleman stated that the opinions and views by which the Government would be guided in adjusting the taxation of the country were, that the duties should be leviable upon those commodities which were not in themselves necessaries of life, nor such as entered largely into the conveniences and comforts of the people; and that those duties then in existence would be subject, if not to abolition, at least to a reduction or diminution. The right hon. Gentleman then went on to carry out his views by proposing the reduction in the tea duties, and the abolition of the soap duties. Upon what principle, then, he (Mr. Floyer) asked, was that important commodity of beer excluded from such a revision? How could the right hon. Gentleman now ask to augment the tax upon malt, instead of diminishing or abolishing it, as he had promised? Not only is beer an important article in the class of comforts, but to a large portion of the labouring classes it is absolutely an article of necessity. When it is said that beer could be dispensed with, he asked those who thought so whether they had witnessed the condition of the agricultural labourer "from sunny morn to dewy eve?" Could they believe it possible that the poor labourer could go through his toil, with safety to his health, without being able to have some wholesome beer? He had heard some hon. Member recommend the labourers to drink water. Now, that recommendation put him in mind of that ingenious gentleman Peter Pounce, who, while travelling along the country in all the luxury of a post-chaise, and looking around at the beautiful landscape that met his eye, expressed his surprise that the people should ever be in want of food and of good beverage, when he saw the cool and refreshing salads spreading out on every side of the meadows, and the delicious potations which the streams of the country could offer. They were told that the agriculturists were now in a flourishing condition—that the position of the farmer was so changed that he had now no right to grumble at having to bear this additional portion of taxation. He fully admitted that the position of the farmer was much improved to what it had been. And happy was it for the country that his condition was so much improved within the last two or three years. There was, however, a time when that great body was in such difficulties that if the pressure had continued much longer, it was impossible that the greater portion of them could meet their claims. The Chancellor of the Exchequer said that the last harvest was the worst harvest that they had had since 1816. The crop of wheat in the last harvest was one-third less than the usual average amount. Supposing, then, that the average price of wheat per quarter was 72*s.* It was only fair to deduct one-third from that for the shortness of the crop. It could not, therefore, be considered that the position of the farmer was so prosperous as to warrant any Government in selecting the agricultural interest for additional taxation at this particular time. He believed that the Government would have proceeded more wisely and prudently if they had endeavoured to act upon the opinions expressed by the Chancellor of the Exchequer last year, when that right hon. Gentleman wound up his great and powerful speech by saying that the object of the Government was to administer the financial operations of the country with the most perfect impartiality to all parties. Now, he (Mr. Floyer) did not recognise in the present position any such impartiality or fairness. The party with which he acted were most unwilling to throw any obstacle in the way of the Government at a time when a great emergency had arisen, and when they were called upon to promote objects to which they were unanimously engaged; at the same time, they demanded and required, with full justice and fairness towards themselves, that the Government should deal with those interests which were represented on his side of the House with the same consideration for their difficulties and for their wants as the Ministers gave to the interests represented by those with whom they more generally acted.

SIR EDWARD BULWER LYTTON: Sir, I cordially concur in the desire expressed by all Gentlemen who have risen on this side of the House to assist the Ministers of the Crown in providing the necessary means to carry on with vigour and effect the war in which we are unhappily engaged; and as all that may weaken the Government by party disputes on matters of domestic policy would, in my judgment, be injurious to that aspect of moral power which this country should present to Europe, I rejoiced when the noble Lord the Member for London—much, I think, to his credit, and with the respectful sympathy of the House—withdrew from discussion a Reform Bill which must inevitably have provoked a most determined opposition. I did hope that opposition itself might remain dormant during the rest of the Session. I was not prepared to expect that the dispute which the leader of the Goverment in this House so patriotically forbore would be forced upon us in another shape by the Chancellor of the Exchequer. That right hon. Gentleman is too experienced a politician not to know that he has deliberately introduced into his Budget the very item that must revive the most bitter resentment of the class against which it operates, and that most of us on this side of the House would be traitors to our constituents if we submitted to it without a struggle. The issue of that struggle may be against us, but I fear that the very proposition of the right hon. Gentleman will materially weaken the hands of the Government in the fitting conduct of this war, because it elaborately tends to create the deepest dissatisfaction in that very portion of our people upon whom for the endurance of war all Governments must proverbially depend. I shall imitate the example of those who have preceded me, and refrain from discussing the general propositions of the Budget. With respect to the proposed duplication of the income and property tax, however, I must at least enter a strong demur against the assertion so glibly made by the right hon. Gentleman that it is impossible to reconstruct it upon a more equitable basis; but, whether this be or be not possible, I say that a direct tax in which the whole mass of the public complain of anomalies and injustice, not rendered more tolerable by your assertion that they are not susceptible of mitigation, and avowedly to be continued for the whole duration of the war—maintained, as it were, upon that tenure—is precisely that tax which the Emperor of Russia will rejoice to hear that you have doubled. However, there is at least this consolation left to those who are to pay the income and property tax, that its anomalies and injustice are fairly parcelled out among the wealth and industry of the community down to those whose incomes reach the limit of 100*l.* a year; while the right hon. Gentleman then proceeds to select an especial article of home production, and with a complacent eulogium on the principle of fair distribution, calculates to raise from the additional tax—which, if finally paid by the consumer, particularly affects one single department of industry—a sum, a third in amount of all which he calculates to obtain from his fresh demand upon the united property and income of the entire community. The right hon. Gentleman thinks the malt tax a duty which combines all those features that should determine his choice in selecting it. "You can raise it," he says, "without additional expense, and collect it without additional machinery." In this he was followed by the hon. Member for Westbury (Mr. Wilson) appending to the broad assumption a supplement of small details. I think the hon. Member for the North Riding of Yorkshire (Mr. Cayley), who moved the Amendment on this measure, has rather proved the contrary; but, grant that it be so, the reasons alleged are very well for a mere tax-gatherer, or even a Secretary of the Treasury, but there are other reasons—reasons of policy and justice—which should weigh more with a gentleman of such lofty pretensions to the character of a statesman. And I say that all such reasons combine to make this tax one of the very last you should have thought of. The right hon. Gentleman the Chancellor of the Exchequer, in proposing this additional malt tax, spoke only of making the general consumer pay his fair share of the burdens necessary to carry on the war. He spoke only of the general consumer; not one single word did he condescend to say of the effect of the tax upon agriculture. He spoke as if there were no persons in this country engaged in the cultivation of land—he seemed to ignore their existence. But the right hon. Gentleman need not have looked deeper than into the familiar pages of Mr. M'Culloch—whom he afterwards quotes with deserved respect as high authority—to have known the injury to agriculture which the malt tax, even without an addition, inevitably inflicts. What says Mr. M'Culloch, in his *Principles of Political Economy:*

> "The malt tax, like other taxes on commodities, falls wholly on the consumer; still, however, it must be admitted that it is, indirectly at least, if not directly, especially injurious to the agriculturist. Barley is a crop that is peculiarly suitable to light lands, and may be introduced with the greatest advantage in an improved rotation after green crops. But it is obvious that by imposing a duty of 20*s.* 8*d.* (that is the present duty) per quarter on malt (the produce into which barley is almost wholly concocted), the demand for the latter is materially diminished, and the farmer is in consequence prevented from sowing barley, where, but for this circumstance, it might be more suitable than any other variety of corn. It is not easy to estimate the injury which this indirect influence of the malt tax inflicts upon agriculture; but the fact of its inflicting an injury is undeniable. Suppose such a high duty were laid on bread as would lessen the demand for wheat, would any one presume to say that was not especially injurious to agriculturists? or suppose a high duty were laid on calicoes and broadcloths, is it not clear that it would be a serious injury to the manufacturers engaged on it?"

Nay, Mr. M'Culloch goes further; for, while he thinks, nevertheless, that it may be a tax in case of necessity which you might increase, yet, even as it now exists, he thinks it entitles the farmer to a compensation. And what is the compensation this eminent free-trader insists on? Why, he says—

> "The peculiar pressure of the malt tax upon land gives the agriculturist a peculiar claim—though all claims on account of tithes were abolished—to have a certain fixed duty imposed upon foreign corn. It would be unjust, seeing that the malt tax, by narrowing the demand for barley, and obliging the farmers to adopt imperfect rotations, is especially inimical to their interests, to expose them, without any corresponding protection, to the competition of foreigners. Perhaps it might require a fixed duty of 1*s.* 6*d.* to 2*s.* a quarter to counteract the unfavourable circumstances alluded to."

That is the malt tax! So that here, after you have abolished all duties on foreign wheat, you select the very burden which, according to political economy, entitled the grower to some protection, and add to it 50 per cent. The hon. Member for Westbury conceives that an Excise duty on malt is very different in effect from an Excise duty on soap. He can reduce the duty on soap and yet increase the revenue. On malt, on the other hand, he thinks he can increase the duty without diminishing consumption. But the facts of the past are against him there. We know that, notwithstanding the increase of wealth and of population, the consumption of malt varied little for 100 years, until the duty on malt was reduced in 1822—when even before the beer duty was repealed, it rose from more than 26,000,000 bushels in 1821 to more than 30,000,000 bushels in 1828; and since the repeal of the beer duty in 1830 it has risen to more than 40,000,000 bushels. Now, I am opposed to all taxes that fall more upon one class of industry than another; but if the stern necessities of war compel you to violate this strict rule, and some class must be partially affected by your burdens, we might regret it less if it were that class who have a paramount interest in bringing the war to a speedy close by vigorous and effective military operations. What is that class? Why, obviously the mercantile and manufacturing—the class engaged in foreign interchange, which war, in proportion as it spreads, must impede and cripple. The produce of land which is consumed at home, not exported, the domestic exchange in retail trade, the profits of professions, are not so vitally interested in the suppression of a distant war as those sublime departments of industry which distance itself the more developes, and which enrich the manufacturer and merchant wherever they can find a friendly shore and an open sea. One might suppose, then, that the Government, if it be unhappily compelled to call upon any class more than another to contribute to the expenses of war, would look naturally to that class to which the restoration of peace is so essentially important. And it would do so in this case, the more reasonably, not only because of the comparative wealth of those great members of the corporate state, but because no class during the forty years' peace thus abruptly terminated has been so largely benefited by fiscal reductions. No one can deny that the main spirit and effect of all our reliefs since the Reform Bill, and even before, have been to favour our mercantile and manufacturing interests in preference to any other. It, therefore, might be supposed, that the class which has most benefited by the reliefs afforded in peace would most willingly co-operate in the means necessary for the termination of war. Yet it is not to this class the Chancellor of the Exchequer looks for the burdens he resolves to impose. Out of the whole community he selects for a special infliction that special class which has had the hardest struggles, has had the slightest share in the mitigation of taxes, has recently been mulcted of a large portion of its capital for an experiment, mainly intended to promote the success of manufactures, and according to frank avowals of the Chancellor of the Exchequer himself, and equally frank avowals by the noble Lord who leads the Government in this House, was entitled to some compensation, if compensation could have been found for them. Now, this is the compensation you give them! They asked you a year ago to reduce the malt tax; your reply is to add to the malt tax 2,500,000*l*. This is not all; besides money, there is something else which a people must contribute to the dreadful necessities of war. They must contribute their sinews and their blood. The heaviest tax of all is that of human lives. Now, of all classes, which are here spared the most? It is surely the population of great mercantile and manufacturing towns. It is not there that the recruiting sergeant beats for recruits. It is in the agricultural districts, it is in the rural population, that you principally find the soldiers that man your armies; it is there that fathers will most mourn their children. But this is the class to whom the Chancellor of the Exchequer goes hand in hand with the recruiting sergeant. The one asks for money, the other for life. In the ordinary laws of conscription for military service, if the man decline service, he is bound to find the money that provides a substitute. But these laws you reverse; you press into the military service the inhabitants of the rural districts, and from the rural districts you take, again, the money that is to find substitutes for the denizens of the manufacturing towns. I cannot conceive a greater injustice than the one you propose in the malt tax, nor one that—under all circumstances, all the recollections, embittering class against class, connected with the repeal of the Corn Laws—will be more gallingly felt, both as an injustice and as an insult, by the agricultural body, upon whom it will mainly fall. It will affect that body in all its gradations. The hon. Gentleman (Mr. Cayley) who moved the Amendment treated the question in a very able manner; but there were one or two points that he only partially touched upon, with regard to which I will beg leave to make a few observations. Of course the increased price of beer will tend to diminish the demand for barley; but it will do something more than that. Already the high price of bread has diminished the consumption of beer, and has, therefore, tended in some degree to check the cultivation of barley; and now comes your new tax to discourage altogether the cultivation of the ordinary barley, for your tax falling alike on all qualities of barley, the price of the inferior barleys will sink much below the present proportion to the superior barleys, and there will therefore be a tendency to cultivate none but that of a superior quality. Again, your tax necessitates increase of capital by the maltster, and whatever necessitates increase of capital tends to restrict trade and brings fewer purchasers into the market. There is, however, another and a stronger reason against the selection of a special tax bearing so markedly upon a special class. Upon entering into this war, which, no doubt, does require all our united energies, it certainly would be wise to forbear whatever tends to create or reopen all class grievances and all class contests among ourselves, and this would be the more especially wise with regard to the agricultural class, because you know perfectly well that an angry excitement has long existed in that class in consequence of that change in your commercial policy as to which I will not now argue whether it was right or wrong; and you must remember that the only boon or mode of conciliation proffered to that class was the proposition for the reduction of the malt tax. Upon the failure of that proposition, a party, supposed to be not very friendly to the landed interest; came into power, and now your attempt to add 50 per cent to this tax, which the friends of the agricultural interest desire to reduce, will be regarded as a fresh blow, as a new humiliation; it will exasperate those feelings which it was desired to extinguish, and, by damping the ardour with which the war should be prosecuted, it is calling in the exciseman to be the ally of Russia. Farmers, like all other Englishmen, will readily submit to taxes, however onerous, provided you can convince them that they are fair, but I ask you whether any farmer can upon any principle look upon this tax as a fair one? You force on him free trade, by which you concede that he has been a sufferer; you refuse to retract your steps by a single import duty, and, when he asks you for free trade for himself to enable him to cultivate that crop which he prefers, you not only refuse his request, but add 50 per cent to the tax upon the only article in which he conceives that free trade would be desirable to him. Why did the Government decline to proceed with the Parliamentary Reform Bill? It was not so much because they could not find time to deal with it on account of being so much occupied with the details of the war—it was not so much because the public mind was distracted from all such considerations by the idea of the war—as it was because the Bill contained provisions affecting agricultural constituencies, which could not be discussed at a popular hustings without reawaking the division of classes, without raising the mischievous cry of "Town and Country;" but what you could not effect by your Reform Bill you are resolved to effect by your Budget, for where you proposed to increase the franchises of the great towns, you now propose to exempt them from all partial burdens, and to throw those partial burdens upon the agricultural constituencies, which you proposed by your Reform Bill to enfeeble and deluge with an inundation of urban voters; so that it does seem as if you desired to justify the suspicion that you have some determined hostility against the cultivators of the land. [Mr. OSBORNE: Hear, hear.] Oh! you grant that. The hon. Gentleman has the courage to avow what his superiors disguise. You have a determined hostility against the cultivators of the land, and you carry on a party warfare against them, now against their political influence, now against their pecuniary interest. I must say that the whole proceedings connected with this war and with this War Budget do invite one to inquire whether we have really gained so much by that stupendous sacrifice of private inclination which the public virtue of our Ministers induced them to make when they consented to share among them the disagreeable fatigues of office. Most Governments have been formed by the combination of opinions, but this Government was formed upon the grander principle of the diversity of talent. Great men, long rival and antagonistic statesmen, consented to act together. Lord Aberdeen announced himself as a Liberal Conservative; the noble Lord the Member for London as a Conservative Liberal; but until we saw those great men acting together we should no more have supposed that a Liberal Conservative in one House was the same thing as a Conservative Liberal in the other, than that a horse chestnut was identical with a chestnut horse. But what has this talent done for us? Where and how have these wonderful capacities, this extraordinary experience of public affairs, been displayed? The First Lord of the Admiralty evinces his remarkable sagacity and foresight by entering office with a vehement invective against the Emperor of France, whose flag now sails beside our own. The Ministers who undertake our foreign affairs can only exonerate themselves from the charge of having taken in the Emperor of Russia, by lamentable complaints that they were egregiously taken in themselves. The domestic genius of this incomparable Cabinet is shown in the preparation of a Reform Bill, for which you are compelled, even before war was announced, to own the ungrateful apathy of the people; and your experience in practical affairs is thus evinced by being as blind to the temper of the English public as you were to the designs of the Russian enemy. And now, in that department of finance, on which the right hon. Gentleman the Chancellor of the Exchequer has been so severe a critic upon his predecessors, from William Pitt to Lord Monteagle, and from Lord Monteagle to my right hon. Friend the Member for Buckinghamshire (Mr. Disraeli), what have been all your fiscal operations? A series either of fallacious promises or costly blunders. Where was the stateman's prophetic eye when last year the right hon. Gentleman based all his calculations upon the removal of the income tax in seven years; when he would not listen a moment to the possibility of war? What has become of the cheerful complaisance with which he replied to that inquisitive clerk who complained of his income tax; and what was at least one-half of the right hon. Gentleman's speech the other night composed of? Why, an eloquent vindication of what the world still believes to be mistakes. Now, Sir, I do not pretend to be a competent judge of the right hon. Gentleman's financial schemes. But let me put an analogous case, more in my own way. If I were to publish a new book, and I prefixed to it a preface that would occupy three or four mortal columns of the *Times* newspaper, tending to show that the three books I had last written were not the notable failures which, whether through ignorance or malignity, the public had been led to suspect, sure I am that I could not give a greater triumph to hostile critics, or take a course more likely to make the friendly infer that I had some misgivings on the subject myself. One thing is clear—success never needs an excuse. The right hon. Gentleman was pleased to flavour the compliments that he bestowed the other night on Mr. Pitt with a sarcastic reproach on the errors of that Minister. I am not Mr. Pitt's apologist. Errors he may have committed, no doubt; but of all defects, what is that which the right hon. Gentleman selects for his censure? Why, that Mr. Pitt did not see the war at a distance; that Mr. Pitt was short-sighted. And this charge comes from a Gentleman who was the only man out of his own Cabinet who could not foresee the war which he has now to provide for—from a Gentleman who converts stocks and can't foresee the results—who has one Budget in March, and another in May,—this is the Gentleman who sneers at Mr. Pitt as short-sighted! Sir, whether Mr. Pitt did or did not commit an error by his system of loans is not that very easy question to decide which the right hon. Gentleman presumes it to be on Mr. M'Culloch's authority. Mr. M'Culloch was no authority for the right hon. Gentleman with regard to the malt tax; but, Sir, whether as a political economist Mr. M'Culloch be right or not in censuring Mr. Pitt's financial policy in the earlier years of the French war, there are other and grander views than those of political economy and finance involved in the Government of mankind and the safety of nations. On entering into war with a formidable Power, Mr. Pitt may have reasonably supposed that it was not wise to discourage the people by onerous measures of taxation in the first instance. He may have thought, as an Englishman and a patriot, that his first duty was to maintain the spirit of his countrymen, and that posterity would pardon the loans he raised in return for the ample remuneration of interest he secured—remuneration in extended empire—augmented commerce—imperishable honour. And these were our returns when at the close of the war England emerged the first State in that Europe her arms had freed and delivered, and so lightly shook off from her shoulders the burden of these loans you have the ungrateful arrogance to condemn that every year throughout the peace we have increased in wealth and resources, and since 1831 almost every year has seen some vast diminution of taxes accompany the payment of debt. So much has been said about our not saddling posterity that it seems as if it were intended to insinuate that this is not a war to be waged on behalf of posterity, but for some fleeting and selfish purpose of our own. If that be so, I call on our Ministers to recall our fleets, and to disband our armies—a war which is not for posterity is no fitting war for us. But, surely, if ever there was a war waged on behalf of posterity, it is the war which would check the ambition of Russia and preserve Europe from the outlet of barbarian tribes, that require but the haven of the Bosphorus to menace the liberty and the civilisation of races as yet unborn. It is not our generation that need fear if the flag of Russia waved to-morrow over the ruins of Constantinople. The encroachments of Russia are proverbially slow; it would require a quarter of a century before she could recover the exhaustion of her own victories and tame into convenient serfs the brave population she had conquered. It is for all time that we wage the battle. It is that the liberties of our children may be secured from some future Attila, and civilisation guarded from the irruptions of Scythian hordes. On this ground, then, we might fairly demand the next generation to aid us in the conflict we endure for their sake. Into that question in all its bearings I will not at present enter; it is complicated and difficult; but, at least, my plain common sense makes me sure of this—that if you desired to make the people as reluctant to proceed with the war as you were slow and blind to prepare for it, you could not take more effective means than by such speeches as the right hon. Gentleman the Chancellor of the Exchequer delivered at Manchester, and such taxes, derived, at the very first commencement of military operations, from sources the most direct, palpable, odious in themselves, and unfair in their assessment—as you propose by this Budget to create.

Mr. DRUMMOND said, he desired to recall the House from the regions of fancy to the consideration of the sober realities of the case, from which it had been too much withdrawn. From much that had been said that evening, it appeared to him that they were not grappling with the awful condition into which the country was at present drawn. He need not, for the tenth time, repeat in that House all he had said concerning the malt tax. It was not because he was interested personally in this thing, or because the farmers and all his constituents were interested in it, that he had ever opposed the malt tax, whoever might be the Minister, but because it was his firm conviction that the depriving the labourer of his drink, beer, was productive of more immorality than all their reformatory schools could ever prevent. He agreed in everything the hon. Gentleman who opened the debate had said respecting this tax. It was one of the worst that could possibly be imposed; and he entirely approved of the Budget of the right hon. Gentleman the Chancellor of the Exchequer of the late Administration. That was a bold and manly Budget; and it was to carry out principles which they (the Ministerialists) had falsely inculcated, but which they never had the courage to carry out in the face of their own supporters. There was no expression condemnatory of this tax in which he would not join. He repeated his belief that it was the very worst possible tax; but that was not all. They had on all sides of the House cheered on the war; they had said to others, "Go and bleed on the battle-field, and sacrifice your health, while we sit at home at ease;" and now, when, for the first time, they were brought to grapple with the realities of war, they began to shrink from them. He had told the Minister before that the Opposition would lead him into a mess, but would never assist to get him out of it. It was impossible to propose any single tax against which the very stupidest man in the House could not find some valid objection. The right hon. Gentleman opposite (Mr. Disraeli) proposed the very best tax that could be proposed—the most just and the most fair—namely, the house tax; but they had given the power in this country into the hands of the householders; and the noble Lord (Lord John Russell) if he had his own way, would give it ten times more still. Well, then, the question was, were they going to raise money or not, and whose pocket did they mean to pick. The householders had told the right hon. Gentleman opposite that he should not pick theirs, and he (Mr. Drummond) said that they ought not to pick the pockets of the agriculturists. But the latter were in a minority, and could not help themselves; and so their pockets would be picked. The right hon. Gentleman the Chancellor of the Exchequer was perfectly right when he spoke of delusions practised on this subject; and he believed the right hon. Gentleman spoke of the difficulties which a Chancellor of the Exchequer experienced in the City. But he ought to know by this time that a popular Chancellor of the Exchequer was a man who let the loan contractor rob the public. Let them beware of a popular Chancellor of the Exchequer. The right hon. Gentleman opposite (Mr. Disraeli) was not a popular Chancellor of the Exchequer, and that was one great reason why he (Mr. Drummond) supported the right hon. Gentleman. If the manufacturer turned useless cotton, by his labour, into something that could be worn, and if the farmer took a few grains of corn, and turned them into many quarters, or converted a lean beast into a good fat one, they did their country some service. But what did a loan contractor do? He merely took their money out of their pockets, and put it into his own. The loan contractor added nothing to the public wealth. And then some Gentleman said, "Oh, give us paper; carry on the war by a paper currency." That would be doubly cheating posterity. He thought the manner in which the present Chancellor of the Exchequer spoke of Mr. Pitt amounted to a most indecent sneer. If the right hon. Gentleman expected to be Minister at the close of the present war, he certainly must calculate on living to the age of Methuselah. But let him be tender of the reputation of Mr. Pitt; let not one who was just beginning to buckle on his armour sneer at the man who had taken his armour off. It was a most ill-advised sneer. He was sorry to say that they had made that House such, that except for the purposes of destruction and opposition to everything that was right, he knew not for what it was effective. How on earth they were going to carry on this war, passed his comprehension. In all things unity was essential for every practical purpose. Where was the unity in the Cabinet? And where was the unity in that House? "Oh," they said, "we are all for war, and we will give money for the support of the war;" and yet they did not like tax A, or tax B, or tax C; and so he might go through all the letters of the alphabet. But they had entered into a partnership. He had heard of a partnership where one man found the money, and another the brains. Now, he did not know, in this partnership between the Emperor of the French and the Ministers of England, who found the money, but he was sure it was the Emperor who found the brains. The Ministers most certainly had gone on in his wake; he was the head, and they were the tail. He had led them from first to last. He (Mr. Drummond) did not wish to make comparisons, for comparisons, as Dogberry said, were "odorous;" but all he wished was, that this country had a Foreign Minister who could write a despatch as well as M. Drouyn de Lhuys. He suspected that their new ally saw into them quite as keenly as they saw into themselves. He strongly suspected that their new ally saw, what he (Mr. Drummond) took the liberty of stating at the beginning of this question, that that House and the country would not support the war; for he heard accounts of a camp of 100,000 about to be formed at Boulogne. They were told that this was for the purpose of watching Prussia. Let them tell that to the marines. It was, however, satisfactory to know that there was a select set, a pleasant club, meeting in Downing Street, and dining together every Wednesday, that was firmly persuaded that the camp at Boulogne was for the purpose of watching Prussia. He did not believe it, and his advice was that they should embody the militia, and have three good permanent camps—one in the north of England, another in the midland counties, and a third in the south—of 30,000 men each; and as to their getting rid of the malt tax, they might think themselves lucky if they escaped a double malt tax and a double income tax, with the addition of the house tax. After all, he said that they might be well content if, by such means, they could save England from being the battlefield of Europe.

SIR JOHN PAKINGTON, who rose amid loud cries of "Oh! Oh!" and "Divide," said, that he begged to assure those hon. Gentlemen who not only then, but during the last few hours, had endeavoured to stifle the discussion and to interrupt the debate by more indecorous and unseemly conduct than he believed he had ever seen in that House, that he should not stand for many minutes between them and the division for which they professed to be so anxious. He had risen principally to express his astonishment that a Government which had asked for 2,500,000*l.* of new taxes had not condescended to rise to vindicate their proposition. The objections to this tax had been stated at the beginning of the evening in a most able and elaborate speech by his hon. Friend the Member for the North Riding (Mr. Cayley). It was true that his hon. Friend had been answered by the noble Lord the Member for Portsmouth (Viscount Monck), and the hon. Member for Norwich (Mr. Warner), but he did not think that the House had heard from either of those hon. Members any very forcible reply to the speech of his hon. Friend; and he thought that even the arguments of the hon. Gentleman the Secretary to the Treasury (Mr. J. Wilson), such as they were, had been more than disposed of by the able and powerful speech of his hon. Friend the Member for Hertfordshire (Sir B. Lytton). He asserted that they had a right to call upon the Government to answer these powerful arguments, which had not been met, and that they were justified in expecting some explanation of the reasons why they had selected this tax, which had been shown to be most unjust in its operation, as one of the modes by which they intended to defray the expenses of carrying on the war. Were they deterred from entering into that explanation by the speech which had just been made by his hon. Friend the Member for West Surrey (Mr. Drummond)? What the vote of his hon. Friend would be he found it difficult to collect from his speech. He confessed he did not know; but a more severe censure of a tax than he had passed upon that now proposed by the Government he had never heard. When his hon. Friend, however, went on to say, after passing a most just censure upon that proposition, that he felt in the present condition of that House that whatever tax might be proposed, whether it were A, B, C, or D, objections would be raised to it, as they were now raising objections to their proposal for increasing the malt tax, he must say that he thought his hon. Friend had not fairly met the question before the House, or done justice to the motives by which the Opposition were animated in the objections which they now made. He (Sir J. Pakington) felt the difficult and painful position in which he and his Friends were placed by being compelled to object to the proposition which had been brought forward by the Government for meeting the expenses which would be incurred by the war; but he would assert that the blame for that difficulty rested with the Government, on account of the selection which they had made of the particular impost which they had proposed to the country. The Opposition had endeavoured from the commencement of the Session to meet the Government in the fairest possible spirit; they had given them all the support which any Administration could expect from an Opposition in the proposals which they had made connected with the war; they concurred with the Government in the justice of the war in which we were embarked; they concurred with them in the principle which they had laid down, that so far as possible the expenses of the war ought to be defrayed from the income of the year; and they agreed with them that the country should not be involved in further debt if it could be avoided; but, while so concurring, they had a right to expect in the taxes which they were about to impose upon the country, first, that the Government should so shape them as to be equal and just to all classes of the people; and, secondly, that they should so devise them that there should be a fair and reasonable prospect that the taxes imposed should realise the amount of money that was required, and which the Government expected to derive from them. He believed that the increased malt tax proposed by the Government was deficient in both those conditions. He would not at that hour (ten minutes past eleven) detain the House by going into the past history of the malt tax, but he thought that a reasonable doubt might be inferred from it, whether the increase of 50 per cent now proposed would not so diminish the consumption that the Government would fail to derive the revenue which they anticipated from the increased tax. The right hon. Gentleman the Chancellor of the Exchequer had stated that he had made an allowance of 5 per cent for the diminution of consumption. He (Sir J. Pakington) believed that allowance to be quite insufficient. Apart from that, however, he objected to this tax more broadly and distinctly on account of the impolicy and injustice of thus selecting the landed interest for this additional impost. He thought it a most impolitic act on the part of the Government at this moment, when unanimity was so desirable, and when the Government had themselves made sacrifices of their views and feelings to ensure that unanimity, that they should have selected for augmentation the particular tax which they knew must revive old feelings and that sense of class legislation which had given so much offence, and caused so much painful difference in this country. It was only last year that he and his Friends had raised well-founded objections against the impost which the Government had placed upon land by the succession duty. The answer which at the time was made to that was, that personal property was already saddled with the legacy tax. In reply, the Opposition showed the Government that 17,000,000*l.* of taxation was borne by real property in this country, and that that was more than a compensation for the legacy duty, or any other duty borne by personal property. Nevertheless, for the sake of such popularity as the Government could catch by that proposition, they had forced that impost upon the land. They now proposed to double the income tax. The Opposition had offered no objection to that, although the Chancellor of the Exchequer had admitted last year that real property paid 9*d.* in the pound, while other property paid 7*d.*, so that now, when it was doubled, real property paid 1*s.* 6*d.* in the pound, while other property only paid 1*s.* 2*d.* That excess of 2*d.* in the pound had been admitted to amount to 460,000*l.*, and the tax as it was now proposed, therefore, would throw 920,000*l.* a year upon real property beyond that which other property would bear. Notwithstanding that, however, they now proposed, after all that the land had suffered, to impose an increased 50 per cent upon the same interest through the medium of the malt tax. He must say that such a course was most unwise and impolitic; and he thought, when the Government had selected a tax which was open to these grave objections, that the House and the country had a right to expect from them some vindication of their proposition, and some answer to the objections which had been urged.

LORD JOHN RUSSELL: I cannot, Sir, permit the debate to close without declaring that I think that the question now before the House is a much wider one than the right hon. Gentleman opposite and those who preceded him upon the same side have been willing fully to admit. They have said, and I admit the justice of the allegation, that with regard to the measures calculated for carrying on the war, which they as well as we think just, they have given their support to the present Government, although differing from them upon many points of public policy. I am willing to admit that support, and if it be proper or necessary to thank Gentlemen for performing their duty, I am ready to thank them for so doing. But the only question upon which the Government were likely to meet with difficulty, upon which they had to call on the patriotism of this House, and upon which they had to appeal to the spirit and feelings of the country to support them, was in the measures of taxation which they had to propose; and I cannot believe that it is a consideration of the nature of this particular tax which really induces hon. Gentlemen opposite to object to our present proposition. Well, they tell me that we are engaged in a just war—that we are engaged in a war with a mighty Power which now threatens to swallow up the dominions of one of our allies—which is moving mighty armaments over the face of Europe; and that, in contemplation of that circumstance, and of the danger consequent upon it, they are in readiness to make an effort to preserve to this country its character and station; that they are willing to render great services to Europe, and are ready to involve immense sacrifices, but that 1*s.* 3*d.* per bushel upon malt is really too great a sacrifice to make. The right hon. Gentleman (Sir J. Pakington) and the hon. Baronet the Member for Hertfordshire (Sir B. Lytton), who preceded him, absolutely spoke as if the whole of this taxation were to be laid upon the land. The right hon. Gentleman and the hon. Baronet have reminded the House of a question which arose when we considered the income tax last year, and which they say we ought to bear in mind in considering it this year. The right hon. Gentleman the late Chancellor of the Exchequer proposed when in office, and the hon. Member for Hertfordshire proposed when out of office, that we should make a discrimination with respect to incomes; that there should be discrimination in favour of trade and of income derived from trade and commerce; that persons deriving incomes of 20,000*l.* or 30,000*l.* a year derived from commerce were to pay at a less rate than those persons who derived an income of 200*l.* or 300*l.* a year from land. That was the proposition of the right hon. Gentleman, against which we protested, and my right hon. Friend the Chancellor of the Exchequer, who is now represented as being so hostile to the landed interest, pointed out that, if such a distinction were made, it would be adverse to the land, and would become more and more so, if it should ever become necessary to increase the income tax in order to carry on a war. My right hon. Friend pointed out that, if such a necessity arose, the difference of 7*d.* and 5*d.* would become a difference of 10*d.* and 1*s.* 2*d.* I, on that occasion, ventured to point out that, if we once began to make such a distinction, it might be carried still further, and that nothing could be more dangerous to the landed interest, if engaged in war, than that the commerce and trade of the country should feel that the system of taxation was one which would fall lightly upon them, and of which the evils would fall upon the land, and that they would, therefore, be inclined to support an increase of taxation. Those who are opposing the present proposal may be those persons who declare themselves to be the friends of the farmer; but I believe that no more dangerous proposition to the land was ever made than that which was made that year. We have preserved the income tax such as Mr. Pitt framed it and continued it throughout the war. But my right hon. Friend said, after all, the income tax could not be carried to the lowest incomes, and there must be a point from which every arrangement on grounds of convenience and practical utility must stop. But are those who have an income less than 100*l.* a year to be entirely free from taxes increased in order to sustain the honour and character of the country? My right hon. Friend said that, in his opinion, it was unwise to adopt such a principle. Then we come to taxes upon articles of consumption; and it seems to me that, in the first place, unless you impose taxes upon articles of general consumption, you will not obtain a revenue, and if you impose taxes upon articles of general consumption, but which are at the same time articles of prime necessity, you will, in my opinion, commit an act of injustice and inflict a very considerable hardship; and therefore the maxim should be to impose a tax upon articles of general consumption which are not articles of prime necessity. Now, Sir, I know no articles to which this description so well applies as the articles mentioned in the Bill before us—malt and spirits. Both these articles are articles of very general consumption, and are articles upon which we are sure to raise a very considerable revenue, and of which it is not likely that there will be any very great diminution of consumption, and yet they are articles which no man can say are such articles of prime necessity as candles or as soap, from which we last year removed the tax, or that any great hardship is inflicted by this additional tax. If this be the case, if we are to add to the income tax, there can be no better article upon which we can impose some additional taxation than the article malt. To impose that additional taxation is only to raise the taxation to one-half of what it was in the latter part of the last war. It is not very much greater than it was in the year 1775, when Adam Smith pointed out the policy of taxing beer and malt. But, Sir, there is another question to which the hon. Member for Hertfordshire referred, and to which the hon. Member for West Surrey (Mr. Drummond) has alluded, and to which, having now risen to address the House, I cannot omit to notice. I refer to the observations which were made by my right hon. Friend the Chancellor of the Exchequer upon the policy of Mr. Pitt during the first year after he took office. Nothing could be more unjust than to say that those observations were made without any necessity, or that they were not intended to have a bearing, a most important bearing, on the debate in which we are now engaged. My right hon. Friend pointed out that a large sum of money was collected by loans during the first year of the great revolutionary war, and that the small sum of 480,000*l.* was raised by additional taxation, and he went on to show that that course was proceeded in till it had added very greatly to the national debt. My right hon. Friend also pointed out that the result of Mr. Pitt's proceedings was that 200,000,000*l.* was to be received in money for the purpose of carrying on the war, and inscribed on the national debt, and that is a sum for which we are now paying interest. He also pointed out that that was a most impolitic course, and that Mr. Pitt afterwards changed that course. Can anything be more true? The loans of Mr. Pitt were raised at 4 and 5 per cent, and in the years 1797 and 1798 at about 6 per cent, and that 6 per cent was not to be reduced when he arrived at peace, but it was payable for ever. My right hon. Friend pointed out that such a course was a ruinous course, and he expressed a hope that it would not be imitated, but he did not attempt to pledge this House, or the Government to which he belonged, never to contract loans for the support of the war; but what he said was, that we should make a great effort, by raising 10,000,000*l.* additional revenue in the course of the year—and this is surely not too great an effort for a country which is about to engage in a great war, to defray the expenses incurred by the war, and to save the country from those evils which resulted from the debt so improvidently contracted by Mr. Pitt. I am not, like my right hon. Friend, a very great admirer of Mr. Pitt, but I must say that I think that the effort which he made in the years 1797 and 1798, and which was afterwards pursued by Lord Lansdowne, when Chancellor of the Exchequer, in the Government of Lord Grenville, was conduct worthy of all admiration. I do not think that if, in the face of war, you cannot make an effort to sustain the war by taxes levied during each year to defray the expenses of that war, you ought to leave the whole burden of the war to posterity. This is, in fact, the question which is now before the House. Don't tell me that the malt tax is a tax so objectionable that you would be ready to vote any other tax, but that you cannot vote this. Don't tell me that the landed interest cannot bear 15*d.* additional duty upon malt. Tell me—what I should be sorry to hear, but what, at least, would be more fair, more manly, and more candid than your present declaration—tell me that you are in favour of the war, that you are ready to vote increases to the Army or to the Navy, but that you are not ready to pay the necessary taxes to defray the expense. Tell me that you shrink from the unpopularity which belongs to any proposal to lay considerable burdens on the country. Tell me that you would wish to escape that obligation by means of loans, or by any other means, but don't tell me that the small addition in the duty upon malt from 2*s.* 9*d.* to 4*s.* will prevent you from supporting the Government at the beginning of a great war. I can imagine what will be the consequence if, the very first time that you are asked for additional taxes to carry on the war—I say the first time, because the tax you have already voted was only for the purpose of defraying the necessary preparations—you refused to support the Government. I can conceive what the effect would be if, when you are called upon to make a great effort to raise, not 2,500,000*l.*, but, on the whole, about 7,000,000*l.* or 8,000,000*l.*, to support the war, you were to deny to Government your support in carrying on that war. Would not the effect be that throughout Europe a feeling would arise that you did not mean to engage heart and soul in the prosecution of the war—that you meant to give the Government a temporary support, but to shrink from us at the very first opportunity; that you were ready to forego the declarations you had made, and to abandon the opinions you had expressed—in fact, that you were ready to involve the country in a necessarily dishonourable peace. I am not telling you that these are your intentions, but I am asking you whether this would not be the impression which would be produced. [" No, no !"] I will venture to say that no proposition can be more clear, more indisputable. No person will believe that it is merely on account of the increase of the malt tax from 2*s.* 9*d.* to 4*s.* that you refuse to consent to this Bill. It would be said, that as you have refused to agree to a tax which is necessary for the support of the war, the war will not be carried on with energy and perseverance. [" Oh, oh !"] That certainly is my proposition. With regard to the malt tax, we have debated it for the last ten years, and its merits and defects have been canvassed over and over again. Mr. M'Culloch, who is cited as an authority against the tax, recommended in time of peace that the malt tax should be increased, as it was a tax peculiarly well adapted to our system of taxation. Such is the case with regard to the malt tax; and I must say that, if the House intends to support this war, and to maintain the declaration they made when they answered the message from the Crown, they will assent to the second reading of this Bill.

MR. DISRAELI: Sir, I have listened to the remarks of the noble Lord with great regret, and, at the same time, with great surprise. The noble Lord has just laid down one of the most extraordinary doctrines of finance ever expressed in this House. The noble Lord has laid it down that if an Opposition approve of a war in which a Government has engaged, it is bound to vote for every war tax that Government proposes without criticism and without cavilling, at the expense of their patriotism if they object. I am of the same policy, so far as the war is concerned, as Her Majesty's Government. I do not want to go into the cause and merits of the war; it is enough that we are involved in war, and, as I said on the first night of our meeting, it is our duty to support Her Majesty. But I reserve to myself, and I hope that all Gentlemen in this House—not merely because they happen to sit on the benches behind me—reserve to themselves the right of criticising the means by which the Government propose to carry on the war, even if we be unanimous in thinking that that war ought to be prosecuted with vigour and effect. The noble Lord says, " You have given in your adhesion to the warlike policy of the Ministry, and, no matter what your opinions are, you are bound to give an uncompromising adhesion to every financial proposal which they bring forward in order to carry on the war." Was there ever such an extraordinary dogma ? " What is 15*d.* a bushel upon malt ?" asks the noble Lord. Does the noble Lord forget that, in considering the incidence of taxation, there is something more which a statesman ought to consider than the amount of the burden. A statesman should consider, also, its justice. The tax now proposed is in my opinion, unjust, and for that reason I oppose it. The noble Lord has attempted to withdraw the consideration of the House from the subject immediately before it, by referring to the income tax. Now, the income tax must come before us shortly, and I think it will be a more convenient time to discuss that question when the Resolutions of the Chancellor of the Exchequer with respect to the assessment of incomes are laid upon the table than on the present occasion. I confess, therefore, that I do not see the exact point which the noble Lord had in view when he introduced into the debate the proposition of the late Government with respect to the income tax; but, as he thought proper—unnecessarily, as I think—to enter upon that subject, I may, perhaps, be pardoned if I briefly touch upon it. The noble Lord said that the late Government, in their scheme of assessment under the income tax, acted unjustly towards the land, and that it is the present Government who are devoted to the interest of the agriculturists. Why, the late Government, in their scheme relative to the income tax—which by the by they never had an opportunity of propounding to the House—did not think of proposing an assessment which would be favourable to one class or to another, but they attempted, as far as lay in their power, to make an arrangement which, upon the whole, would be advantageous to all classes with reference to the whole scheme of taxation. They did not ask themselves—whether their proposal was for the special advantage of the land or of trade; but they asked themselves whether there should be a difference of assessment upon temporary and permanent incomes, and they resolved, so far as they were concerned, that it should be recognised. In introducing this scheme with reference to the income tax—a subject upon which I wish scarcely to dwell, because the right hon. Gentleman the Chancellor of the Exchequer is not present, the late Government, I say, brought forward that scheme with reference to the whole system of our finance. The measures which they brought forward were avowedly only a portion, and a small portion, of the changes which they thought ought to take place in the whole system of our finance; and as much as a matter of policy as of justice in asking the House to enter into a comprehensive revision of our system of taxation, they thought the time had arrived, was ripe and opportune, when a difference of assessment between temporary and permanent incomes should be recognised by the Legislature. It has been said in the course of this debate that this malt tax is not an unjust tax, as we on this side of the House complain of its being. Sir, we complain that it is not only unjust towards those who pay it, but that it is impolitic on the part of the State to have recourse to it. Let the House consider calmly the character of our financial system. One-fourth of our whole ordinary revenue is supplied by a tax upon a single crop grown by the British farmer; and you have now a Bill upon the table which is greatly to aggravate, to the extent of 50 per cent, the amount of that enormous taxation. Never forget, when you are asked to discuss the duties upon spirits and upon malt—never forget that those duties furnish the fourth part of the ordinary revenue of this country. But then it seems, according to the doctrine of to-night, that you may raise from a single article—and that not the supreme and principal crop of the cultivators of the British soil—a sum as large as the entire revenue of important empires, and yet not produce the slightest ill effect upon their profits, upon their skill, and their industry. I have marked some symptoms of late that there is a considerable reaction from those economical opinions that have been so long prevalent and predominant in this House; but I did hardly believe that I should live to hear that an increase of 50 per cent on a tax which now produces the fourth part of the ordinary revenue of the British Empire would not be such an increase of impost that it would diminish the profits or embarrass the skill of the producer. But then, it is said, this is only a tax upon the consumer. "Who cares for the consumer?" says a Free-trader. Well, a little while ago, if any Gentleman on these benches had ventured to refer to the burden of taxation that pressed upon the productive classes of the country, he was treated with jests and jeers. Then we were told that the consumer, that the great consumer—as he was described by a distinguished Member of this House—was the person alone to be considered; that the consuming power was the basis of modern finance; that that was the consideration which ought alone to influence the controversy; and that no tax was now to be considered without a reference to his interests. Now, however, we are assured with a *nonchalance* that is admirable, and a *sang froid* quite sublime, that this immense impost is not for a moment to be considered, because it is only a consumer's question. Well, I think it is something to have brought them to that. I think, after all their panegyrics passed upon the consuming power—after the years during which they have too successfully destroyed the laws that protected the productive interests of England—that we should now have it acknowledged that the plea upon which they advanced their doctrines was fallacious—that the object which they wished to cherish was an unfair one—that the great point they wished to achieve was one unworthy of being accomplished—this, I think, is a result which we may look to not without gratification. But then, we are told, when hon. Gentlemen on these benches demand for the British producer the benefits of that unrestricted competition which both sides of the House have now accepted as the principle of our commercial code—we are told that the question of unrestricted competition cannot affect the agriculturist as a producer or manufacturer of malt; and for what reason? Why, because it is said he meets with no competition, whatever be the amount of the impost. With no competition! It may be very true that foreign malt cannot compete with English malt; but the question is, whether beer does not meet with competition in the market from other beverages which may please the palate and claim the patronage of the public? Why, the competition with which beer has to contend is the competition of tea. You know very well that there is no article which comes more into competition with beer than tea, and there it is that the immense tax you are placing upon malt places the domestic producer at an unfair advantage in his competition with a foreign beverage. And then you say that he is entirely free from competition! You must consider the amount of the tax upon malt in comparison with that upon the beverages with which malt comes into competition. It was always felt by successive Governments to be a most difficult thing to deal with the tea duties, because it was impossible to act justly to all parties unless you dealt with the malt duties too. That consideration always prevented the tea duty from being touched. The Government of which I was a Member dealt with the tea duty, and also with the malt tax, while the present Government have dealt with the tea and have not reduced the malt duties. You have thus, of course, increased the severe competition between tea and beer, and now you increase—greatly increase—the duty upon malt, at the very time you are carrying out a system which every year greatly diminishes the duty upon tea. I ask, Sir, is that justice? There is another point which the House ought to consider with reference to this question, and that is the local taxation of the country. The effect of that local taxation has been acknowledged by the highest authorities on both sides of the House. I can point to Ministers of State, and I can even refer to the Chancellor of the Exchequer, as acknowledging the peculiar burden of that class of taxation. Well, the House will remember that there was an attempt to compromise the question by diminishing the duties upon malt, and now you are attempting to revive that controversy—a controversy at any time most embarrassing, and especially so when you are increasing the general taxation of the country. There is one remark made by the noble Lord so singular, that, as I suppose he must still be looked upon as the leader of the Whig party, I cannot pass it over entirely without notice. The House has not forgotten, and the country will long remember, the manner in which the right hon. Gentleman (the Chancellor of the Exchequer) recently referred to Mr. Pitt. It has been alluded to to-night, and the noble Lord, with an unhappy chivalry, came forward to vindicate the right hon. Gentleman. Now, what did the noble Lord, of all men in the world, say? The noble Lord naturally, and quite consistently, disapproved of the policy, and of course the financial policy, of Mr. Pitt. The noble Lord approves only of the financial policy which doubles the income tax, to which he referred with so much pride and upon the memory of which glory reposes my Lord Lansdowne. He said, "Mr. Pitt may have been a great man in 1797. At that time he had twinges of remorse and salutary repentance;" and, following the recent observations of the Chancellor of the Exchequer, the noble Lord absolutely recalled the attention of the House to the important fact that in 1797 there was a salutary change in the financial policy of Mr. Pitt. Now, Sir, that the Chancellor of the Exchequer, who was bred and educated a Tory—who may in moments of rhetorical emotion still fancy himself a Tory—that he should criticise—still as he informs us, with feelings of veneration—Mr. Pitt, and that, by an adroit arrangement of periods, he should endeavour to harmonise his criticism of Mr. Pitt's finance with his prepossessions in favour of Mr. Pitt's policy and patriotism—this is all intelligible enough. But how stands the noble Lord in this matter? What was this year 1797, which the noble Lord—I should think to the great astonishment of the Fox Club to-morrow—has chosen this night to refer to? What was this year 1797, and what was this happy period, to which the noble Lord has given in his adhesion, as the moment when Mr. Pitt's eyes were at length opened to the sin of his former ways? Why, I suppose the House has heard—nobody here has forgotten—that in a moment of patriotic disgust at the conduct of Mr. Pitt in raising those terrible loans which we have heard recently so much deplored from the Treasury bench, Mr. Fox, followed by Charles Grey (afterwards the great Lord Grey), and the principal leaders of the Whig party, left the House of Commons, in hopelessness to save the country, and remained for a long time absent from it. But it so happened that in 1797, on the very night referred to by the Chancellor of the Exchequer, on the very occasion alluded to by that right hon. Gentleman—Mr. Pitt's eyes being, as we are told, at last opened to the error of his ways—on going down to the House of Commons (where he expected only to meet his followers and his creatures), with a large proposition for a measure of direct taxation—such was the indignation of Mr. Fox, such was the indignation of Charles Grey, such was the indignation of that brilliant and eloquent band who had for a long time seceded from their places in Parliament, that (awful apparition!) they suddenly reappeared in their places before the astonished Chancellor of the Exchequer! Why was Mr. Fox there? It was because he was resolved, though he felt how painful, more than painful, was his reappearance in the Senate which he had long relinquished—painful as it was for him to return to his seat and to reappear in the House of Commons, he felt that it was a duty which he owed to the great historic party of which he was the recognised leader, even in its adversity, to come forward in the House of Commons, to denounce the new principles of financial policy brought forward by Mr. Pitt, and to seize the occasion to deliver one of the most eloquent, one of the most thoughtful, and one of the most memorable speeches of his life, in which he laid down what he called and considered the true and permanent principles of Whig finance—principles utterly opposed to the repenting policy of Mr. Pitt—principles which Mr. Fox never deserted or relinquished, and which, notwithstanding the comparative degradation of the office which the noble Lord (Lord J. Russell) now fills, I did not believe that he, in deference to the Chancellor of the Exchequer or to my Lord Aberdeen, would have himself relinquished in the House of Commons. There is, Sir, another point to which I feel it my duty to call the attention of the House before a vote is called for on this measure. I object to this tax which we are now called upon to vote, not merely because it is unjust, not merely because it restricts the industry, and diminishes the profits of the agricultural interests of the country, not merely because it is a grievous burden to the consumer—for I acknowledge that in a period of war the consumer must be prepared to bear burdens—but I object to it on account of its grievous impolicy. It is most impolitic that at this period, when you are selecting taxes, you should select one which presses on the cultivators of the soil and on the general interests of the proprietors of the soil. Though I am willing to give credit to every class in the country for being ready at this moment to do their duty to their Sovereign, yet I ask, without fear of contradiction, is it not the fact, from the nature of circumstances, from the character of the constitution, and from other causes, that you have been obliged particularly to appeal to the patriotism, to the resources, to the exertions, and to the energy of the landed interest of the country? We heard a good deal of declamation some time back against the territorial constitution of the country. I ask any Gentleman, in what country could you have found those means of defence which you have found in England, under the influence and by the immediate aid of the territorial classes of this country? Having raised and armed such a militia, I want to know in what country of Europe excepting England, you could have found leaders to whom to intrust such a force. You are, at every moment during which you are advancing in this struggle, more and more obliged to appeal—this is a necessity from which you cannot escape—to the classes connected with the land, and which are at this moment the surest source of safety and security to England. Whether it be the recruit whom you induced to quit his home—or the cultivator of the soil, whose industry you are obliged to disturb, or the proprietor of the soil—these are the classes to whose exertions, sacrifices, and energy you appeal for organising the country? Yet you have so managed your finances that the only odious tax which you have put forward is a tax which, more or less, and, in my opinion, in a great degree does press upon the industry of the soil, which does interfere with the employment of the capital of the cultivators of the soil—and embarrasses, prevents, and restricts the industry on whose resources you mainly rely. It is most impolitic that there should be a reawakening at this moment of a controversy which, if not for ever terminated, would not at a period like the present have been raised by this side of the House. You have come forward and demanded this great amount of 2,500,000*l.*, and not a Minister of the Crown, but upon extreme compulsion, has expressed a word in favour of the proposition. What was the motive of your silence? Did you shrink from discussion? Did you think a debate on ways and means impolitic? Did you think it would give a bad impression if the House of Commons had discussions and divisions on taxation? If such were your feelings, do you not think that the credit of the Government and the resources of the country were much more injured by the way in which the Treasury lately attempted to raise a loan? Is it not more calculated to injure the credit of the country—is it not more calculated to damage you in the eyes of foreign countries—that the Minister of Finance could not go into the City and obtain 2,000,000*l.* at 4 per cent, than that the Parliament of England should frankly deliberate on the taxes about to be imposed on the people? In my opinion it is better that our foes should see that sums so vast as these—greater than those furnished by the largest provinces of our Imperial foe—should be frankly discussed; in my opinion it is better, rather than see sums given in the churlish, undignified, and unmanly manner in which the Government attempts to filch this measure, that our foes should see that we exercise our functions as representatives of the people, and that, while prepared to support even a Government to which we are opposed, we will to the utmost do our duty to our constituencies in seeing that the ways and means are adjusted according to the principles of eternal justice.

Question put.

The House *divided*:—Ayes 303; Noes 195: Majority 108.

List of the AYES.

Acland, Sir T. D.
A'Court, C. H. W.
Adair, H. E.
Anderson, Sir J.
Atherton, W.
Bagshaw, J.
Baines, rt. hon. M. T.
Ball, J.
Baring, H. B.
Baring, T.
Barnes, T.
Bass, M. T.
Beamish, F. B.
Beckett, W.
Berkeley, Adm.
Bethell, Sir R.
Biddulph, R. M.
Biggs, W.
Blackett, J. F. B.
Bland, L. H.
Bonham-Carter, J.
Bouverie, hon. E. P.
Bowyer, G.
Boyle, hon. Col.
Brand, hon. H.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Brown, H.
Bruce, H. A.
Buckley, Gen.
Butler, C. S.
Byng, hon. G. H. C.
Cardwell, rt. hon. E.
Castlerosse, Visct.
Cavendish, hon. C. C.
Cavendish, hon. G.
Challis, Mr. Ald.
Chambers, M.
Chambers, T.
Cheetham, J.
Christy, S.
Clay, Sir W.
Clinton, Lord R.
Cockburn, Sir A. J. E.
Cogan, W. H. F.
Collier, R. P.
Cowan, C.
Cowper, hon. W. F.
Craufurd, E. H. J.
Crossley, F.
Currie, R.
Dalrymple, Visct.
Dashwood, Sir G. H.
Davie, Sir H. R. F.
Denison, E.
Denison, J. E.
Dent, J. D.
Divett, E.
Drumlanrig, Visct.
Drummond, H.
Duff, G. S.
Duff, J.
Duke, Sir J.
Duncan, G.
Dunlop, A. M.
Egerton, W. T.
Egerton, E. C.
Elcho, Lord
Ellice, rt. hon. E.
Ellice, E.
Elliot, hon. J. E.
Emlyn, Visct.
Esmonde, J.
Euston, Earl of
Ewart, W.
Fagan, W.
Feilden, M. J.
Fergus, J.
Ferguson, Col.
Ferguson, J.
FitzGerald, Sir J.
Fitzgerald, J. D.
Fitzgerald, W. R. S.
Fitzroy, hon. H
Fitzwilliam, hn. C. W. W.
Fitzwilliam, hon. G. W.
Foley, J. H. H.
Forster, C.
Forster, J.
Fortescue, C. S.
Fox, R. M.
Fox, W. J.
Freestun, Col.
Gardner, R.
Geach, C.
Glyn, G. C.
Goderich, Visct.
Goodman, Sir G.
Goold, W.
Goulburn, rt. hon. H.
Gower, hon. F. L.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Greenall, G.
Greene, T.
Gregson, S.
Grenfell, C. W.
Greville, Col. F.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Grosvenor, Earl
Hadfield, G.
Hall, Sir B.
Hankey, T.
Hanmer, Sir J.
Harcourt, G. G.
Hardinge, hon. C. S.
Hastie, Alex.
Hastie, Arch.
Heard, J. I.
Heathcote, J.
Heathcote, Sir W.
Henchy, D. O.
Heneage, G. H. W.
Heneage, G. F.
Herbert, H. A.
Herbert, rt. hon. S.
Hervey, Lord A.
Heywood, J.
Heyworth, L.
Higgins, G. G. O.
Hindley, C.
Hogg, Sir J. W.
Horsfall, T. B.
Horsman, E.
Howard, hon. C. W. G.
Howard, Lord E.
Hughes, W. B.
Hume, J.
Hutchins, E. J.
Hutt, W.
Ingham, R.
Jackson, W.
Jermyn, Earl
Johnstone, J.
Johnstone, Sir J.
Keating, R.
Keating, H. S.
Kershaw, J.
King, hon. P. J. L.
Kinnaird, hon. A. F.
Labouchere, rt. hon. H
Laing, S.
Langston, J. H.
Langton, H. G.
Laslett, W.
Layard, A. H.
Legh, G. C.
Lemon, Sir C.
Lewis, rt. hon. Sir T. F
Lindsay, hon. Col.
Lindsay, W. S.
Locke, J.
Lowe, R.
Luce, T.
Mackie, J.
Mackinnon, W. A.
M'Cann, J.

MacGregor, Jas.
MacGregor, John
M'Taggart, Sir J.
Mangles, R. D.
Marjoribanks, D. C.
Martin, J.
Massey, W. N.
Masterman, J.
Matheson, A.
Matheson, Sir J.
Miall, E.
Milligan, R.
Mills, T.
Milner, W. M. E.
Milnes, R. M.
Mitchell, T. A.
Moffatt, G.
Molesworth,rt.hn.SirW.
Monck, Visct.
Moncrieff, J.
Monsell, W.
Montgomery, Sir G.
Morris, D.
Mostyn, hn. T. E. M. L.
Mowbray, J. R.
Mulgrave, Earl of
Mure, Col.
Murrough, J. P.
Norreys, Lord
Norreys, Sir D. J.
North, F.
O'Brien, Sir T.
O'Brien, C.
O'Connell, D.
O'Flaherty, A.
Osborne, R.
Otway, A. J.
Owen, Sir J.
Paget, Lord A.
Paget, Lord G.
Palmer, Roun.
Palmerston, Visct.
Patten, J. W.
Pechell, Sir G. B.
Peel, Sir R.
Peel, F.
Peel, Col.
Pellatt, A.
Perry, Sir T. E.
Philipps, J. H.
Phillimore, J. G.
Phillimore, R. J.
Phinn, T.
Pigott, F.
Pilkington, J.
Pinney, W.
Ponsonby, hon. A. G. J.
Portman, hon. W. H. B.
Price, Sir R.
Price, W. P.
Pritchard, J.
Ramsden, Sir J. W.
Ricardo, J. L.
Ricardo, O.
Rice, E. R.
Rich, H.
Richardson, J. J.
Robartes, T. J. A.
Roche, E. B.
Roebuck, J. A.
Rumbold, C. E.
Russell, Lord J.
Russell, F. C. H.
Russell, F. W.
Sadleir, Jas.
Sadleir, John
Sandars, G.
Sawle, C. B. G.
Scholefield, W.
Scobell, Capt.
Scrope, G. P.
Scully, F.
Seymour, Lord
Seymour, H. D.
Seymour, W. D.
Shafto, R. D.
Shelley, Sir J. V.
Smith, J. A.
Smith, J. B.
Smith, M. T.
Smith, rt. hon. R. V.
Smollett, A.
Stafford, Marq. of
Stanley, hon. W. O.
Starkie, L. G. N.
Stirling, W.
Strutt, rt. hon. E.
Stuart, Lord D.
Sutton, J. H. M.
Talbot, C. R. M.
Tancred, H. W.
Thicknesse, R. A.
Thompson, G.
Thornely, T.
Thornhill, W. P.
Townshend, Capt.
Tynte, Col. C. J. K.
Uxbridge, Earl of
Vane, Lord H.
Vernon, G. E. H.
Vivian, J. H.
Vivian, H. H.
Walmsley, Sir J.
Walter, J.
Warner, E.
Waterpark, Lord
Watkins, Col. L.
Wells, W.
Whatman, J.
Whitbread, S.
Wilkinson, W. A.
Wilcox, B. M.
Williams, M.
Williams, W.
Wilson, J.
Winnington, Sir T. E.
Wise, A.
Wood, rt. hon. Sir C.
Wortley, rt. hon. J. S.
Wrightson, W. B.
Wyndham, W.
Wyvill, M.
Young, rt. hon. Sir J.

TELLERS.

Hayter, rt. hon. W. G.
Berkeley, G. C.

List of the NOES.

Adderley, C. B.
Alexander, J.
Annesley, Earl of
Archdall, Capt. M.
Bagge, W.
Bailey, Sir J.
Bailey, C.
Baird, J.
Baldock, E. H.
Bankes, rt. hon. G.
Barrington, Visct.
Barrow, W. H.
Bateson, T.
Beach, Sir M. H. H.
Bective, Earl of
Bellew, T. A.
Bennet, P.
Bentinck, Lord H.
Bentinck, G. W. P.
Beresford, rt. hon. W.
Bernard, Visct.
Blair, Col.
Boldero, Col.
Booker, T. W.
Booth, Sir R. G.
Bramston, T. W.
Brooke, Sir A. B.
Bruce, C. L. C.
Buller, Sir J. Y.
Burke, Sir T. J.
Burrell, Sir C. M.
Burroughes, H. N.
Butt, G. M.
Campbell, Sir A. I.
Carnac, Sir J. R.
Cecil, Lord R.
Chelsea, Visct.
Child, S.
Christopher, rt. hn. R. A.
Clinton, Lord C. P.
Clive, R.
Cobbett, J. M.
Cocks, T. S.
Codrington, Sir W.
Coles, H. B.
Colvile, C. R.
Compton, H. C.
Conolly, T.
Cotton, hon. W. H. S.
Davison, R.
Deedes, W.
Dering, Sir E.
Devereux, J. T.
Disraeli, rt. hon. B.
Dod, J. W.
Duncombe, hon. A.
Duncombe, hon. O.
Dunne, Col.
Egerton, Sir P.
Elmley, Visct.
Evelyn, W. J.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Filmer, Sir E.
Floyer, J.
Follett, B. S.
Forbes, W.
Forester, rt hon. Col.
Forster, Sir G.
Frewen, C. H.
Fuller, A. E.
Gallwey, Sir W. P.
Galway, Visct.
Gaskell, J. M.
George, J.
Gilpin, Col.
Gladstone, Capt.
Gooch, Sir E. S.
Gore, W. O.
Graham, Lord M. W.
Granby, Marq. of
Greene, J.
Grogan, E.
Gwyn, H.
Halford, Sir H.
Hall, Col.
Hamilton, G. A.
Hamilton, J. H.
Hanbury, hon. C. S. B.
Harcourt, Col.
Hawkins, W. W.
Hayes, Sir E.
Heathcote, G. H.
Henley, rt. hon. J. W.
Herbert, Sir T.
Hildyard, R. C.
Hill, Lord A.
Hume, W. F.
Irton, S.
Jolliffe, Sir W. G. H.
Jones, D.
Kelly, Sir F.
Kerrison, Sir E. C.
King, J. K.
Knatchbull, W. F.
Knightley, R.
Knox, Col.
Knox, hon. W. S.
Laffan, R. M.
Langton, W. G.
Lennox, Lord A. F.
Lennox, Lord H. G.
Leslie, C. P.
Liddell, H. G.
Liddell, hon. H. T.
Lisburne, Earl of
Lockhart, W.
Long, W.
Lovaine, Lord
Lowther, hon. Col.
Lytton, Sir G. E. L. B.
Macartney, G.
Malins, R.
Mandeville, Visct.
Manners, Lord G.
March, Earl of
Maunsell, T. P.
Meux, Sir H.
Miles, W.
Michell, W.
Montgomery, H. L.
Munday, W.
Naas, Lord
Napier, rt. hon. J.
Neeld, John
Neeld, Jos.
Newark, Visct.
Newdegate, C. N.
Newport, Visct.
Noel, hon. G. J.
North, Col.
Oakes, J. H. P.
Ossulton, Lord
Packe, C. W.
Pakington, rt. hn. Sir J.
Palk, L.
Palmer, Rob.
Parker, R. T.
Percy, hon. J. W.
Pollard-Urquhart, W.
Pugh, D.

Robertson, P. F.
Rolt, P.
Seymer, H. K.
Shirley, E. P.
Sibthorp, Col.
Smijth, Sir W.
Smith, W. M.
Somerset, Capt.
Spooner, R.
Stafford, A.
Stanley, Lord
Sturt, H. G.
Sullivan, M.
Taylor, Col.
Thesiger, Sir F.
Tollemache, J.
Tomline, G.
Trollope, rt. hon. Sir J.
Tudway, R. C.
Tyler, Sir G.
Tyrell, Sir J. T.
Vance, J.
Vane, Lord A.
Vansittart, G. H.
Vernon, L. V.
Vivian, J. E.
Vyse, Col.
Waddington, D.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Walsh, Sir J. B.
Welby, Sir G. E.
West, F. R.
Whitmore, H.
Williams, T. P.
Willoughby, Sir H.
Woodd, B. T.
Wyndham, Gen.
Wyndham, H.
Wynn, Maj. H.
Wynne, W. W. E.
Yorke, hon. E. T.

TELLERS.

Cayley, E. S.
Stanhope, J. B.

Main Question put, and *agreed to;* Bill read 2°, and *committed* for *Thursday.*

MILITIA—MESSAGE FROM HER MAJESTY.

Message from Her Majesty *brought up,* and read by Mr. Speaker (all the Members being uncovered), as follows:—

"VICTORIA R.

"The operations of the War in which Her Majesty is engaged with the Emperor of Russia, having rendered it necessary to send a large part of Her Majesty's Regular Forces Abroad, Her Majesty deems it proper to provide, without delay, additional means for the Military Service at Home, and, therefore, in pursuance of the Act of Parliament enabling Her Majesty to call out and assemble the Militia of the United Kingdom, Her Majesty has thought it right to make this Communication to the House of Commons, to the end that Her Majesty may cause the said Militia, or such part thereof as Her Majesty shall think necessary, to be forthwith drawn out and embodied, and to be disposed and posted as occasion shall require."

VISCOUNT PALMERSTON: I give notice that to-morrow I shall move an Address to Her Majesty in answer to the Message now read.

The House adjourned at One o'clock.

HOUSE OF LORDS,

Tuesday, May 16, 1854.

MINUTES.] PUBLIC BILLS.—1ª Dangerous Animals.

2ª Boundary Survey (Ireland).

3ª Benefices Augmentation.

TAXES ON LAW PROCEEDINGS—RESOLUTION.

LORD BROUGHAM said, that as he had more than once given notice of the subject to which he was about to call their Lordships' attention, he ought to apologise for not bringing it forward sooner; but the truth was, that, after having been engaged the whole morning in judicial duties, he felt three or four times that he would not have sufficient strength to make any statement, however short, on the subject at the period of the evening when alone from other matters named before, he could introduce it. He begged their Lordships not to be alarmed at what he had stated, or to suppose that he was about to make any great demand on their patience. Experiencing the favour of their Lordships so frequently, it became his bounden duty not to encroach upon it further than was absolutely necessary For these reasons he should proceed, without further preface, to state the facts on which he grounded the Resolution he was about to propose. But, first of all, he asked their Lordships to allow him for one moment to express his earnest hope that he should not be told that these discussions were at present inopportune, and that they were less interesting than the other matters which had so often occupied their Lordships during the former part of the Session—he meant discussions connected with the state of our foreign relations, and, above all, with the war in which they were unfortunately engaged. Just and necessary as that contest was, unavoidable as it was, he implored of their Lordships that they would not add to the mischiefs which war brought in its train by turning a deaf ear to such proposals as might from time to time be made for the improvement of our laws and of our internal condition. They would only make war still more mischievous, and its misery still greater, by adding what, he would venture to say, would be an unnecessary evil to that war. If he did not consider it absolutely necessary to call their Lordships' attention to this subject, he would certainly willingly spare not only himself the labour, but their Lordships the annoyance, of hearing matters stated, not for the first or the second time, but stated, as they must be, again and again, until the statement should produce a remedy for the evil so justly complained of. And now, first of all, he would call the attention of their Lordships to the state of the county court jurisdiction; because, although he was about to dwell upon the inequality, the injustice, and the absurdity in all respects, of every tax upon law proceedings, yet he fully admitted that it was the application of those principles to the county courts which chiefly urged him to bring the subject before their Lordships. Against those who, like himself, objected to the tax upon proceedings in the county courts, two very different—indeed wholly opposite—objections had been urged. By one class of reasoners they were charged with being enemies of the county courts; and by another, who were themselves hostile to those tribunals, they had thrown upon them the responsibility of having caused their erection. As to the first of these objections — that those who wished to abolish the taxes on law proceedings were enemies of the county courts—if he had not seen it with his own eyes stated, and stated in the Government press, he could not have believed it possible that any human being could have paid so little attention to the subject-matter and history of this controversy between himself and his noble Friends opposite, with respect to the taxes upon proceedings in the county courts, as to have dreamt for one moment that they who were doing all they possibly could to have those taxes repealed, who complained of the burden thus laid upon the suitors in the county courts, and whose whole object was to relieve the suitors from that burden and the county courts from that obstruction, were to be considered the enemies of that jurisdiction. He really would not stop to argue the matter; it was as the friend of the county courts, and because he objected to the obstruction of that jurisdiction, and desired the relief of those courts from the tax on their proceedings—it was in that capacity he then troubled their Lordships, and had for the last year and a half been incessant in his efforts to endeavour to obtain a change, that is the relief of those courts from the burthen imposed on them. Passing now to the objections proceeding from those who were really enemies of the county courts, and who stated that they held him, and those who thought with him, responsible for what they called the evil which that jurisdiction had created, he (Lord Brougham) at once accepted that responsibility. He, and those with whom he acted, willingly admitted that they were responsible for whatever might be alleged with respect to the county courts, except the burden cast upon the suitors by the taxes. They were the authors of the system. Twenty-four years ago he brought in a Bill for the establishment of them—first in the other House of Parliament, and afterwards in their Lordships' House; and he had endeavoured again and again to obtain the assent of Parliament to that most important change and improvement in our judicial system—local judicature. He was defeated in the year 1833 on that important measure, which contained a complete system of local judicature, by a majority of one or two. His noble and learned Friend (Lord Lyndhurst) afterwards took up the subject in the years 1846 and 1847, and brought in a Bill partially enacting the provisions of the measure of 1833; and most important was that Bill of 1847, for it laid the foundation of the system, and created a court, though with limited jurisdiction, yet on a most improved footing. Another Bill was subsequently brought in by an hon. Friend of his in the other House of Parliament (Mr. Fitzroy), extending the jurisdiction from 20*l.* to 50*l.*; and he (Lord Brougham) afterwards obtained the assent of their Lordships to a still further extension taken from the Bill of 1833, an extension not in point of amount that might be recovered, but as to the kind of cases over which the courts might have jurisdiction; and he had been since constantly endeavouring still further to extend the jurisdiction, so as to bring the measure back to what it was in 1833, when it had, unfortunately, been rejected by their Lordships. He would not say nine parts in ten of the Bill, but certainly a large portion of the Bill of 1833 is now the law, and working most usefully and in every respect beneficially for the country. He could not state his cause of complaint against the burdens thrown upon the courts, and the obstructions raised in other ways by these taxes, without first telling their Lordships the amount of jurisdiction exercised by the county courts, and the kind of benefits which they conferred upon the community. The number of suits brought in the county courts was, upon the average of the last six years, 435,641 a year, and the amount involved was 1,400,000*l*. But during the last three years, since the extension of the jurisdiction from 20*l*. to 50*l*., though the amount was not anything like what it would have been under the measure of 1833, it having been then proposed to extend the amount recoverable to 100*l*. by that original Bill, the average amount for which suits were brought for the last three years was 1,520,000*l*. a year. The number of suits last year was considerably above the average he had stated, and amounted, for 1853, to 484,000. The way to try the uses of the county courts, and to estimate the extraordinary benefits that had been derived from them in the administration of justice, was to ascertain how many suits had been brought in the superior courts before the establishment of these local courts. It appeared that they amounted to 120,000 a year; but since the establishment of the county courts the number had lessened considerably, about one-third, and they now are 81,000 instead of 120,000. He prayed their Lordships to consider how that fact proved—how it absolutely demonstrated—that there was, in certain cases, a complete denial of justice before the year 1847 and the establishment of these local courts. For if 120,000 suits were all that were tried in all the superior courts, and if the number tried in the county courts for the same time according to the average of the last six years, amounted to 435,000, they had only to deduct the 120,000 tried in the superior courts from the 435,000 tried in the county courts, to ascertain what amount of cases had been perfectly capable of being tried before, but were not tried, and consequently in what number of cases there was not a great failure, but a complete denial of justice. There remained 315,000 cases in which, were it not for the county courts, the parties could not have obtained redress. But suppose 15,000 were to be taken off that might have been tried in the old local courts and the small debts courts in the different parts of the country, there would remain 300,000 for the trial of which no provision was made, and which but for the county courts would not be tried, and in all of which there was a complete denial of justice. But it would be a very great mistake to suppose that the number of cases tried, and the sums for which the actions were brought, could give anything like an accurate notion of the benefits derived from those courts. They must also take into account the number of cases that were settled without the suits being brought, the knowledge of those courts being in existence, and that suits might be brought in them, causing the parties to settle the debts without putting their adversaries to the necessity of a suit at all. It was quite impossible to form an estimate of the amount involved in those cases, but that it was very considerable there could be no doubt. There were other indirect advantages obtained by the establishment of county courts which, though not equal to the benefits directly conferred by them, were still of great importance—and he would mention one. Great improvements of the law had been facilitated by them; and his noble and learned Friend on the woolsack would bear him out in the assertion he was about to make—that he did not think he should have had the least chance of passing that important measure to which he had had the good fortune of obtaining the assent of their Lordships and the other branch of the Legislature two or three years ago, the new Evidence Act, admitting parties in the cause as witnesses, had it not been for the establishment of the county courts. He had no idea that he should ever have been able to carry it but for the experiment which had been made in those courts, where the success of the system demonstrated that it ought to be made general. Having stated the facts respecting the new system of social judicature, he thought he might now venture to enunciate three propositions founded upon those facts of manifest truth. In the first place, that it was too late to think of retracing their steps; next, that they must improve and extend the system; thirdly, that it must be relieved from all undue pressure of taxes. It is plain that they could not dream of restoring the central, or of abolishing the local jurisdiction. The system was rooted so deeply in the affections of the community, and so intimately connected with their most important interests, that all notion of a retrograde movement was out of the question, and henceforth and for ever it was to be considered as part of our jurisprudence. For that very reason, secondly, it became them —it behoved them—to lend all manner of attention to its improvement, and to introduce all such extensions of it as might judiciously and safely, and upon due deliberation, be propounded. He therefore hoped and trusted that the important Commission which had been sitting for the best part of the year, to consider every matter relating to the county court jurisdiction, would be able to help them to some very important improvements in this judicature. The last of the propositions which he grounded upon the facts he had stated was this,—that above everything they should endeavour to relieve the courts from the burden of taxation under which they now laboured. He asked their Lordships to consider the extent of that taxation. In order to show it, he would not take the average of the last six years, but he would take the average of the last two years; and he found from the papers on their Lordships' table, that upon this average the sums levied in direct taxation for fees—he could not mention without some comment the word "fees," which had apparently given rise to the ridiculous errors made by a portion of the Government press in supposing that those who complained of the fees of the county courts were enemies of those courts, because those writers seemed to confound the fees with the other charges, those of attorneys, or the perquisites of the officers; in talking of fees he meant the court fees —the taxes imposed by the Government upon the suitor—duties which were levied and paid in court, and were certainly, as they were intended to be, taxes upon suitors—those taxes amounted yearly to 261,000*l.*; and the sums recovered in those courts, and in respect of which those taxes were imposed, and those court fees, as they were called, were received, amounted to 859,000*l.*; the sum sued for was little less than 1,500,000*l.*, making a percentage of 17½ in taxes upon the sums sued for, and 30 per cent and upwards on the sums actually recovered —he meant recovered by judgment or paid into court. Therefore about 17 per cent upon the sums sued for was levied in the form of taxes from the suitors in those courts. It might be said that in some cases it was a great deal less than 17 per cent. Ay, but in other cases it was a very great deal more; and he would give as instances several bills in actual suits to illustrate this. In one case where the action was brought in one of the county courts of the metropolis to recover 17*l.* 8*s.* 9*d.*, the court fees, or taxes amounted to 4*l.* 18*s.* 4*d.*, which was pretty nearly 30 per cent. In that case the attorney's bill was 2*l.* 16*s.* 8*d.*—that was to say, the professional man, for all his pains and cost and skill and labour, received 2*l.* 16*s.* 8*d.*, whilst the sum received by the treasurer of the court in consideration of none of these things was 4*l.* 18*s.* 4*d.*, or very nearly double the whole amount of the professional man's profits. In another case the percentage was a vast deal more. It was also tried in one of the county courts in London, the sum sued for being 14*l.* 3*s.* 6*d.* The court fees amounted to 7*l.* 5*s.* 9*d.*, or about 51 per cent. In another case tried in Hertfordshire, the sum sued for was 18*l.*, and the court fees amounted to 10*l.* 0*s.* 2*d.*, being more than 55 per cent. In a case—the crowning case of those he should cite—tried in the county of Kent— an action of trespass brought in a county court, under the optional clause, by the consent of both parties—the sum sued for was 5*l.*: how much did their Lordships suppose the Treasury had mulcted the suitor of in this case by way of taxes, of what they call court fees by way of disguising it—independently of all professional remuneration, of all other expenses in other respects? Not 30 per cent, not 51 per cent, not 55 per cent, but 150 per cent, and more than 150 per cent! Upon this sum of 5*l.* the court fees exacted were no less than 8*l.* 0*s.* 6*d.*—more, considerably more, indeed, than 160 per cent. He had not had access to the particulars of these bills, except in two instances; but in these two instances he had seen the bills, and he had submitted them to one of the officers of those courts best acquainted with the subject, who would have corrected them at once had they been erroneous. His report, however, was, that the fees exacted by the officer of the court were correctly and truly due, that he had no choice but to exact them, that for the work done, for the steps had in the proceedings, the fees charged were due, under the Act of Parliament, and that the officer was not merely right in demanding them, but would have violated his duty had he not exacted them from the suitor. He concluded, therefore, that the charges made for taxes on the other two bills of which he had spoken were also rightfully and legally demanded from the suitor. He had stated the whole amount levied in taxes on the suitors in the period specified to be upwards of 260,000*l.* How was it in the courts above? By an arrangement which was made a couple of years ago, the whole of the Judges and officers of the superior courts were paid out of the Consolidated Fund. Ever since the year 1825 the greater number of them were paid out of that fund, but the remainder of those who had previously been paid by fees were transferred two years ago to the Consolidated Fund, and the amount of fees to be taken in the superior courts was reduced to 50,000*l.* a year certain. So that in the higher courts, where the rich are the suitors, who can better bear taxation, 50,000*l.* a year is all that is levied upon the suitors; but in the inferior courts, where the suitors are poor and least able to bear taxation, and where, likewise, the class of business transacted is least able to contribute, instead of 50,000*l.*, five times that sum and more is taken—is extorted from the suitors. He believed that even this 50,000*l.* taken in the superior courts is 50,000*l.* too much; but if that is utterly indefensible, then how much more monstrous is the grievance of exacting five times as much from the poorer suitors in the county courts? The effect of the change—combined with the effect of the allowance of costs in particular cases—that had been made in the superior courts has been very great; for he found that, whereas before that change took place the business of the county courts had increased at so rapid a rate between 1851 and 1852, that there were 32,000 more suits brought in those courts in 1852 than in 1851; during the following year, 1853, instead of an increase of 30,000 and odd cases, there was only an increase of 10,000 of all classes of suits; and in the suits between 20*l.* and there was not only a diminishing rate of 50*l.* increase and relaxation of progress—not only was there a retardation of the speed at which these tribunals had been advancing before—but there was a positive diminution, and instead of 12,567, which was the total number of cases between 20*l.* and 50*l.* in 1852, in 1853 there was a diminution of one-quarter, or only 9,206 suits were brought—a result to be ascribed entirely to the alleviation in the fees and allowance of costs in the courts above. He felt that he should be doing a most superfluous and almost an intolerable thing if he were to enter largely at this time of day, and in the middle of the nineteenth century, into an argument to show the absurdity, the injustice, the utter impolicy in all respects, the utter contrast to everything like rational principle, of any tax upon law proceedings, but more especially upon such proceedings as those taken in the county courts. Why, sixty years ago Mr. Bentham proved to demonstration the entire absurdity, the monstrous iniquity of such taxes. How would any party bear a tax being imposed on one part of the kingdom and not on the rest—for that was what we did by taxes upon law proceedings? How would any one bear the singling out of a certain proportion—say of so many thousands, or hundreds of thousands—of persons in the country, and saying that they and they alone should pay a particular tax for the benefit of the whole? Yet that was the proposition of those who said that the suitors in the county courts should singly pay a tax, the use of that tax being to benefit not merely the individuals who were exclusively called upon to pay it, but the public at large—for property, liberty, and life itself were benefited by the due administration of justice. But the case was even worse than this. If they were to impose a tax upon a certain specified number of Her Majesty's subjects only, whilst all the rest of the community profited by the use to be made of it and yet contributed nothing, the bare mention of such a thing would excite ridicule at its absurdity, and abhorrence at its injustice; but the evil was a great deal worse than that, because here a tax was levied on a certain body of the people, who were, whether they would or not, compelled to undergo that which subjected them to the operation of the tax—namely, to come into court either as plaintiffs to demand their rights withheld, or as defendants to protect themselves from threatened wrong. Not that the plaintiff did not feel that in nine cases out of ten it would be better for him to abandon his claim, and the defendant to give up his defence if the matter were not very large in amount, than expose himself to all the anxiety, vexation, and expense of a lawsuit; but he knew that if he did so he might have to give up all that he possessed, one farthing after another, and therefore he had no choice but to resist injustice in the first instance, and thus subject himself, among other evils, to this tax. Therefore this was a tax from the payment of which the parties had no possible escape. But that was not all. It was wholly uncertain on whom it should be levied. It would be better if some definite body were singled out and burdened exclusively with this impost; but it was visited not upon any given number of persons assignable by rules, but upon precisely that class of the community who at the time suffered most, and were the most deserving of compassion and consideration at their hands; because this tax was not the whole amount they had to pay as expenses for law proceedings in defending themselves from injury; they had also to remunerate a professional man for his work and labour, and his skill in conducting the suit, and they had further to bear the expense of bringing forward evidence. And it was just because the poor unfortunate suitor was, by the injustice of a wrongdoer, placed under the necessity of paying these other and heavier expenses, because he was staggering and bending under the load of these other charges, that the Legislature stepped in, and said, "We must make your load heavier still." It was not enough that the suitor should pay for the skill or the want of skill, the honesty or knavery of his attorney—that he should pay all the regular and fairly-understood expenses of his case and its consequences—he was told by the State that he must suffer still more, and in addition to what these causes entailed on him, pay what the Government chose to exact in the form of taxation. There was much talk just now of the defence of the country. Heaven forbid that any stone should be left unturned which might contribute to making that defence effectual; but how should we like a proposition for casting upon the frontier—upon the southern coast—the whole burden of the national defence, and for exempting all the inland counties—for confining the cost of the militia, the coast-guard, and the naval and military forces to parts of the coast, on the plea that its inhabitants would immediately benefit most by the defence; making them alone pay who suffered most in anxiety as well as in all other respects? Why it would not be endured for a moment; and yet this was in principle the very thing we did, in another but not less monstrous manner, to the suitors in the courts of law. They were exposed to hazard, anxiety, vexation, and expense, and for that very reason they were made singly to bear the whole burden of this taxation—a burden, let him observe, which operated not merely as a heavy load on the suitors for justice, but as an obstruction to the administration of justice itself. He would put a case to his noble Friend opposite (the Earl of Aberdeen). How would he like it if—which Heaven forbid!—a riot should happen in the part of the town honoured with his residence, or if attempts were made to set fire to his mansion, and he must call in the civil and military power to disperse the rioters and save his property or his life—how would he relish being told, as soon as he was safe from pillage and destruction, and the riot had been quelled, that he would have to pay the bill of the police and the bill of the military, who must be paid for their attendance, and that he must likewise pay the yearly charge of that portion of the army and that portion of the police to which he had happened to owe his own safety and that of his property? He would no doubt say that he paid his taxes to the Treasury as one of the community, that he always understood that the army and the police were maintained by the State for the protection of Her Majesty's subjects generally, and he would complain that it was rather hard upon him, who had suffered the anxiety and alarm consequent upon the riot and perhaps a partial loss, to be obliged to pay, not his proportion, but the whole expense of the troops and the police who had been employed on that occasion. But that was very inferior indeed to the grievance of the county-court suitors. How would his noble Friend like to be told, "You have had a very slight riot and attempt at fire here, and suffered some anxiety and very little loss; nevertheless you must pay not only the soldiers and policemen who protected you on that occasion, but you must pay those who are employed in Northumberland and Cornwall also, because we take this from you under the name of police money and soldiers' money, and put it into a purse, out of which we pay the soldiers and police all over the country, wherever there may be an attempt at riot or at incendiarism?" So the county-court suitors had first to pay the costs of the court; next, the clerks of the court; and afterwards the bailiffs there; and then to contribute the amount of 37,000*l.* over and above these, out of which was paid the cost of building, repairing, and renting all the courts of the country; so that the suitor in Middlesex where there were no court-houses wanted, had to pay in taxes part of the 37,000*l.* which was used for providing court-houses in Northumberland and Cornwall. His noble Friend, in addition to his private mansion, also inhabited occasionally another in this immediate neighbourhood—he meant in Downing Street. His official residence was the resort of many suitors; but his noble Friend humanely and charitably thought that the bare expense of conveyance to those suitors, coming all the way from the sister kingdom for example, if that case ever happened, or coming from the northern part of this kingdom, which might be perhaps a less frequent case, was enough expense for them to bear in their endeavour to obtain access to his office in Downing Street, without calling upon them to pay a heavy tax beside for the maintenance of that and the other offices in Downing Street. He also would feel for the anxiety of his suitors. A great poet had said that one of the bitterest ingredients in the cup which an exile had to drink was the hard necessity of climbing and descending another man's stairs; and certainly his noble Friend would feel the hardship of adding to this misery the load of needless expense. A great authority had said that the Lord Treasurer was armed with his staff in order to drive away importunate suitors; but it never entered into the subtle mind of Lord Coke to obstruct their access by a bar, and still less to levy a turnpike toll, and, least of all, to turn the turnpike toll money so levied into a fee for repairing all the offices in Downing Street. He (Lord Brougham) saw that in the course of twenty-four years the cost of repairing official residences had been 24,000*l.* Now, supposing that a toll-bar should be erected to raise 1,000*l.* a year for repairs to official residences in Downing Street, and not only that the suitor to his noble Friend should be obstructed in his access, but that another tax should be exacted from him and applied as a fund for repairing official residences in Downing Street, and in all other localities throughout the country—why that would be, to the very letter, the identical case of the unhappy suitor in the county courts. The Government obstructed his access to those courts by levying taxes upon him, but they used the money extorted from him to provide for the salaries of the judges and officers, and to erect and maintain the buildings in which all suits were to be prosecuted. Now, he conceived it to be the bounden duty of the Government, and indeed of everything which pretended to be a Government, to provide for the administration of justice, and to make the expenses of its administration fall upon the community at large, not upon the suitor alone, who could least of all afford it. It was the Government's duty not to add to the weight which the bare fact of a man being a suitor imposed upon him. The charge of providing for the administration of justice should be thrown upon the community at large—the State—because it was the duty of the State to afford to its members full protection in return for the allegiance it exacted from them. It might be said that if the plaintiff made good his case the defendant was legally liable to pay all costs, and therefore that the burden fell upon the party who deserved to bear it; but it should be remembered that in two cases out of three the defendant who was adjudged to pay costs was unable to pay, and then the charge fell upon the plaintiff. Thus, when the unfortunate suitor was suffering and complaining of the dishonesty and malpractices, perhaps, of a pettifogging attorney, and of the insolvency of his debtor—at the time when he was either pillaged by one party, or injured, without blame, by another, then was the precise moment which the Government chose for pouncing down upon him and making him pay still more—the State sharing, as it were, with the knaves the fruits of their dishonesty. Why it reminded him strongly of a certain man, who, having fallen among thieves, was observed by a passer-by lying in the road in an exhausted state. "What is the matter? What ails you?" said the passenger. "Oh!" says the injured man, "thieves set upon me, and robbed me of my purse and my hat, and I tried to follow them and to recover my property, but I was unable to proceed further." Then, says the passenger, "Do try and get up." "I can't," says the injured man. "Oh, yes; try and move a little." "I have tried, and I really can't." Then the false Samaritan rejoins, "As you can't move at all, and the thieves have taken your purse and your hat, I may as well have your wig;" and away he walks with the same, leaving the poor man lying in worse plight than he found him. This was the case of the suitor in the county court and the Government. The Government found him suffering from the loss of his money, and mulcted in the costs besides through the insolvency of his debtor, and as the poor man had no power to defend himself, it said—"Pay us this 3*l.* 11*s.* 4*d.* True, it is only 17*s.* in the Court of Queen's Bench and in the Court of Common Pleas; but the taxes are 3*l.* 11*s.* 4*d.* here, and you must pay." He (Lord Brougham) regretted that there appeared to be a rooted determination to continue, if not to perpetuate, this grievance. It might be said that the Government could not, in the present circumstances of the country, afford to part with any portion of the revenue. But the question was not a question of the 260,000*l.* which was now levied, but one of only 120,000*l.*, namely, the salaries of the Judges, and the 37,000*l.* which went to the general fund. If that 120,000*l.* was taken off, the greatest relief would be given to the suitor, and the greatest obstruction removed from the entrance to local courts of justice. There was no pretence for saying that this proposition should form part of a general measure. It stood insulated and by itself. The question whether the Judges of Westminster Hall should be paid by salary or by fees, and whether the fees of the superior courts should be reduced to 50,000*l.* a year or not, was a question that was discussed a year or two ago, and Parliament wisely resolved that these Judges should be paid by salaries, and none of them by fees; and the Judges of the Court of Chancery had also happily been placed upon the Consolidated Fund instead of being paid out of the suitors' fund. He (Lord Brougham), in conclusion, would only say that he had now seven Resolutions to move, which he had drawn up for their Lordships' consideration. He would spare their Lordships the trouble of hearing him read them, because they embodied the principal facts that he had stated, and asserted the principle for which he had contended—that principle being that all taxes on law proceedings, but more especially those levied in the county courts, should cease.

Then it was *moved* to resolve,

1. "That the Number of Suits brought in the County Courts during the Years 1852 and 1853 was 959,095, or about 479,000 yearly, for Sums amounting to above 1,494,000*l.* yearly, whereof above 859,000*l.* was recovered by Judgments or paid into Court, beside the Sums paid without any Proceedings being had further than Service of the Plaint.

2. "That the Fees or Law Taxes levied upon the Suitors in the County Courts in the Years 1852 and 1853 amounted to the Sum of 523,303*l.*, or above 261,000*l.* yearly, being 17½ per Cent. upon the Sums sued for, 30½ per Cent. upon the Sums recorded by Judgments or paid into Court, but as these are the average Proportions, while in many Cases the Percentage is less, so in many it is greater, and thus sometimes the Tax amounts to even more than the Sums in dispute.

3. "That these Taxes are applied to paying the Salaries of the Judges and other Officers of the Courts, the providing of Court Houses in the different Parts of the Country, and defraying the travelling Expenses of the Judges and Officers.

4. "That by several Acts passed in the Years 1825 and 1852 (6th *Geo.* IV., Caps. 82, 83, and 84, 15th and 16th *Vict.*, Caps 73 and 87) the Salaries of all the Judges and other Officers in the Superior Courts of Law and Equity were made payable out of the Consolidated Fund, and the Fees or Law Taxes levied from the Suitors in the said Superior Courts of Law were so far reduced in Amount as little, if at all, to exceed Fifty thousand Pounds a Year since the last of those Acts passed, and no Fees or Taxes whatever are levied on the Suitor to pay for the Court Houses or Judges' Lodgings, or other Expenses of the Judges.

5. "That the Fees or Law Taxes exacted in an undefended Action in the County Courts, that is where the Parties agree and an Order is made or where the Defendant does not appear, are the same as in a defended Action; and those Fees or Taxes in an Action for the Sum of 20*l.* amount to 3*l.* 11*s.* 8*d.*, whereas in an Action brought in the Superior Courts for the like Sum, where Judgment is entered by Default, the Fees or Taxes amount to 17*s.* only.

6. "That the Number of Suits brought in the County Courts has been increasing since their Establishment, that 32,500 more were brought in 1852 than in 1851, but that in 1853 it was only 10,000 more than in 1852, and the Actions for Sums above 20*l.* fell from 13,006, the Average of 1851 and 1852, to 9,270 in 1853, owing, as appears, to the lowering of the Fees or Taxes in the Superior Courts, as well as the Rules made for allowing more Costs than are allowed in the County Courts.

7. "That all Taxes upon Law Proceedings are contrary to every sound Principle, and of necessity work Injustice and Oppression, but that those which are imposed upon the Suitors in County Courts are in an especial Manner to be reprobated as falling upon the Classes of the Community the least able to bear the Burthen, and as obstructing the Access to those Courts where alone the great Majority of Causes can be tried."

THE LORD CHANCELLOR said, it was not his intention to follow his noble and learned Friend in any detail in the address he had so ably made to their Lordships; in the first place, for this reason, that in a great deal of his general views he (the Lord Chancellor) entirely concurred. He agreed with his noble and learned Friend in thinking that it was the first duty of every State to supply the means for the administration of justice, and that, as a general proposition, the means of carrying on that administration should be furnished, primarily at least, by the country at large, and not by the suitors. And if he did not agree with his noble and learned Friend in thinking that it would be expedient at the present moment to pass the Resolutions he had laid upon the table, it was, first, because the present moment, for the reason his noble and learned Friend had himself hinted at, seemed to him peculiarly inopportune for effecting any change which would impose any great addition on the burdens of the country; and secondly, because he thought that an abstract Resolution of that sort, which they were not prepared immediately to act upon, was in the highest degree inexpedient. He had stated that he concurred with his noble and learned Friend generally in the view he took as to the mode in which the funds for the administration of justice ought to be supplied; but whilst he concurred in the general view, there were many considerations which, looking at the question in order to be theoretically right and accurate, could not be kept out of sight. The persons upon whom the cost of administering justice ought eventually to fall were, perhaps, those whose misconduct, in violating the rights of others, had led to the necessity for litigation; but, in the first instance, it was unquestionably the duty of the Legislature to supply courts, and it was not only not an unjust mode of contributing to the revenue for this purpose, but a course that was founded on the strictest principles of justice, that the party who was in the wrong, and whose wrong had caused the necessity for resort to litigation, should be, whether by fine or otherwise, bound to contribute to the maintenance of that court the existence of which his injustice had rendered necessary. He could not, therefore, object, even in theory, to so much of those fees as were levied upon the wrong-doing suitor against whom a decision was made. Indeed, it seemed to him that the portion so contributed was levied in consistency with every principle of right, and with the ordinary notions and feelings of mankind. To such an extent was that practice carried—as his noble and learned Friend was well aware—across the Channel, in France, that every criminal was mulcted in the cost of his suit, and even if he were sentenced to death he was bound to pay the costs of the suit—which was made part of the sentence—though, of course, ordinarily speaking, he was unable to do so. That, therefore, appeared to him (the Lord Chancellor) to be a considerable qualification upon the general view of the proposition which had been asserted by his noble and learned Friend. It was true that the State should supply the tribunals; but it was also fit and proper that one of the suitors, either the defendant who had wrongfully withheld that to which the plaintiff was entitled, or the plaintiff, who had wrongfully claimed something to which he was not entitled—should also be bound to contribute to the expense of the machinery of the judicial system. His noble and learned Friend had mentioned the fact that there was a Commission engaged in making inquiries concerning this subject, from whom their Lordships might expect very soon to receive a Report. And he (the Lord Chancellor) feared that what would turn out to be the great and unjust pressure in the case was this—that the system of fees as at present levied in the county courts was a system not only perhaps objectionable in its extent, but in the mode in which it was carried into effect—one which had a tendency to cast fees upon the innocent party—the party who was in the right—which ought to fall wholly on the party who was in the wrong. That was undoubtedly a matter which required great consideration, and a grievance which certainly called for redress. But it must not be supposed that complete justice could be done in the case by Parliament merely directing its attention to the county courts. Fees to a very large amount were also levied in other courts. His noble and learned Friend said that in the superior courts of common law they amounted to only 50,000*l.* a year. He (the Lord Chancellor) rather thought it was more than that; but it was undoubtedly very small in comparison with what was levied in the county courts. It was a great deal more, however, in the Court of Chancery; for last year, after all the great reductions which had been made in the fees of that Court, they were close upon 100,000*l.*, and would probably exceed that amount in the present year. His noble and learned Friend was altogether wrong in supposing that this subject had escaped the attention of the Government.

So far from that, he could assure him that it had been under their consideration; but, in the first place, they had deemed it proper to await the production of the Report of the County Court Commissioners; and then it had occurred to his noble Friend (the Earl of Aberdeen), the Chancellor of the Exchequer, and himself (the Lord Chancellor), that the matter ought not to be dealt with merely in reference to the county courts. It was their opinion that, before any step was taken, the whole subject must be investigated, as to the fees levied in all the different courts. He had stated that the fees levied in the Court of Chancery amounted to 100,000*l.* in the course of last year. His noble and learned Friend said, " Yes, but these are fees levied in courts for the rich, whereas the county court fees are levied in courts for the poor." He was sure his noble and learned Friend did not wish to press forward an argument merely *ad captandum*, and that when he considered the case, he would see that that argument was not founded in justice; for this reason, that the suitors whose wrongs had occasioned the necessity for litigation, or the class of suitors whose wrong-doing had created the necessity for the courts, were the persons who, in fairness, ought to contribute to the maintenance of those courts. Now, in the county courts, in 99 cases out of every 100—he had almost said in 999 cases out of every 1,000—the necessity for the suit was occasioned merely by the wrong of one or the other party. It was either a customer wrongfully withholding from an honest tradesman the amount of the bill he owed him—and there was no question of law in the case—or it was some one wrongfully claiming what he was not entitled to. It was, therefore, consistent with the strictest theory that a large proportion of the costs of establishing courts for ascertaining those rights should be borne by the parties whose wrongful acts had occasioned the necessity for them. He knew that that was not to be done in all cases, because, as his noble and learned Friend observed, they had frequently to deal with parties who were in a state of insolvency. But if in the county courts 99 cases out of 100 were cases of wrongful acts of one of the parties, in the Court of Chancery the very reverse was the fact, in a large proportion of the cases the necessity for a suit arose out of the uncertainty of the law. In truth, therefore, it was consistent with all theory that the Legislature, whose fault it might be said to be that the law was not more clear, should largely contribute to the expenses of that court. The 100,000*l.* a year contributed in the Court of Chancery in fees was not to be compared with the 260,000*l.* contributed in the county courts in fees, without taking into account the different circumstances and the different nature of the litigation in one court and the other. He had already stated that in the general propositions of his noble and learned Friend he entirely concurred. He thought it was the first duty of the State to provide tribunals for settling disputes between its subjects—that it was the duty of the State to provide them at its own expense, subject only to recouping to itself as much as it could, by making a fair proportion to be contributed by the suitor whose wrongful act had occasioned the necessity for litigation. The exact state of the case with regard to the fees in the county courts he hoped to become acquainted with when the Commissioners made their Report; and with that Report and the statement of the fees contributed by the various courts before them, the Government intended to consider the whole subject, with the hope of being able to suggest some course which would put the matter in a fair train, in order that both State and suitor might contribute their fair proportion respectively, and that there might be no inequality between one class of courts and another. He agreed with his noble and learned Friend that if there were an inequality, it was most unjust that that inequality should be thrown upon the county courts, for he concurred with his noble and learned Friend in the eulogium he had passed upon those courts; he believed the value they had been of to the community could not be exaggerated in their direct operation upon the suitors, who had through their instrumentality obtained rights which would otherwise have been withheld from them; and further, that the proceedings of these courts had been, and he trusted would continue to be, the means of suggesting improvements in the superior courts, so that the two systems might mutually act and react upon each other. He yielded not to his noble and learned Friend himself in his admiration for those courts. They were proposed, though not in the form in which they were now in operation, by his noble and learned Friend twenty years ago; and they had been carried into effect in conformity with his noble and learned Friend's suggestion. His noble and learned Friend had, he thought, earned the gratitude of the country for the great boon he had been the means of conferring upon it, and he trusted that any evils which arose out of the present imperfect and too extensive mode of levying the fees from these courts might, when the Report of the Commissioners was upon the table, be mitigated, if not removed altogether. He would suggest, therefore, whether it was really expedient or necessary to place upon their Lordships' Journals Resolutions of a merely abstract nature, which would not, perhaps, more tend to the accomplishment of his noble and learned Friend's object than the able manner in which he had brought the question before them that evening, without loading the Minutes of the House with his Resolutions.

LORD BROUGHAM, in reply, said, with reference to the argument of the noble and learned Lord, that a suitor who had been guilty of wrong ought to contribute to the expense of the court, that a party could only be found to be wrong by the prosecution of litigation, and that before you had a right to fine a person for having misinterpreted or misunderstood the law, you must make that law so clear and certain that it was an offence to misunderstand it. Even if the law were reduced to such a state of certainty, which neither we nor those who came after us at a very distant day could hope to live to see, he should maintain that this was no ground on which to levy a fine, but still it would in part displace his answer to the argument of his noble and learned Friend (the Lord Chancellor). His noble and learned Friend had suggested that he ought to withdraw these Resolutions. He was unwilling to do so; but would only remind his noble and learned Friend of the description of the "previous question" once given by a friend of theirs who was now dead, and who explained to a public meeting that it meant that there was a great deal of truth in the proposition brought forward, but that it was a very disagreeable subject, and the less that was said about it the better.

Previous Question thereon *negatived.*

THE FISHERMEN OF QUEENBOROUGH —PETITION.

THE EARL OF ROMNEY *presented* a petition from fishermen of Queenborough, Sheerness, Milton, Leigh, and towns adjacent to the mouth of the Thames, praying that certain Acts of Parliament whereby a tax of 2*s.* a voyage was levied upon fishermen adjacent to the mouth of the Thames might be repealed. The noble Earl observed, that the petition was signed by 300 persons, who were extremely poor, and not well able to pay the tax in question, which was, he believed, given in support of a charity, but the fishermen themselves were ignorant to whom it was paid. It was levied on boats with fish passing the Nore; and although it did not signify much to smackowners, who went out and remained till they got a large supply of fish, yet it proved a great hardship to the poorer fishermen, who went out in single boats, and passed more frequently. The petitioners begged to be relieved from the operation of the Acts of Parliament referred to; and as this was a case of considerable hardship, he hoped Her Majesty's Government would be induced to inquire into it, and, if the complaint were founded in justice, take measures to relieve the petitioners.

LORD STANLEY OF ALDERLEY said, there could be no doubt that the case of the petitioners was one of considerable hardship. He had made some inquiries upon the subject since the noble Earl spoke to him about it a few days ago; and there was a Commission in existence which he thought was a very proper one to be intrusted with the matter, and to which he proposed that it should be referred. The Commission to which he alluded was appointed last year, for the purpose of inquiring into the question of passing tolls and other dues charged upon the merchant shipping of the country; and the tax levied upon the fishermen, in this instance, was, he thought, a subject to which the attention of the Commissioners might also be directed. The best course, therefore, would be to refer the petition to the Commissioners, with a request that they would inquire into the subject-matter of its allegations and prayer. It was certainly rather hard that fishermen alone, of all persons engaged in maritime pursuits, should be thus taxed for the purpose of contributing to a charitable institution, which of itself was undoubtedly very meritorious, but from which they did not derive any benefit beyond other portions of the seafaring community.

Petition to lie on the table.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, May 16, 1854.

MINUTES.] PUBLIC BILL. — 2° Industrial and Provident Societies.

NEWSPAPER STAMPS—THE PERIODICAL PRESS.

MR. MILNER GIBSON said, he rose to call the attention of the House to the present unsatisfactory state of the law affecting the press, and to move the Resolution of which he had given notice. He regretted to have to submit this Motion in the absence of the right hon. Gentleman the Chancellor of the Exchequer, and he would not have done so if the question were a financial one, but as the terms of his notice and the arguments by which he should support it referred entirely to the legal point, he did not think he was bound to postpone it because the finance Minister was not present. The House would recollect that he had brought a similar Motion before Parliament in previous Sessions, and he much regretted that he should be compelled to bring it forward again, but he conceived that until he succeeded in the object it had in view, he was not released from the duty imposed upon him as the Chairman of the Newspaper Stamp Committee, namely, to bring the anomalies of the law under the attention of Parliament, and endeavour to seek redress. The Report of that Committee contained this passage—

> "The Committee have resolved that the attention of the House ought to be immediately called to the objections and abuses incident to the present newspaper stamp law, arising from the difficulty of determining and defining the meaning of the term news; the inequalities that exist in the application of the Newspaper Stamp Act, the anomalies and evasions thereby occasioned in the postal arrangements, the unfair competition to which the stamped newspapers are exposed with the unstamped, the limitations imposed by the law on the circulation of the best newspapers, and the impediments thrown in the way of the diffusion of useful knowledge regarding current and recent events among the poorer classes."

It might be contended that he was proposing an abstract Resolution, and that he ought not to ask Members of Parliament to pledge themselves to a Resolution which appeared to have no immediate or practical bearing on legislation at the present time; but if hon. Gentlemen would look at the terms of his Motion, they would see that it was by no means abstract. It asserted two facts—first, that the laws with regard to the periodical press and newspaper stamp were ill defined, and that the Executive did not enforce those laws equally and impartially. The assertion of these two facts by a Resolution of the House of Commons would be tantamount to a declaration of the opinion of the House, that the Government ought to deal with the question, and bring in a measure to define the law, and to issue instructions to their officers to administer the law with impartiality. If it were said that he ought himself to have introduced a Bill to define the law, his answer would be that the Government had so many more facilities for preparing and prosecuting any legislative measure than he had, in the assistance of the law officers of the Crown, and the command of the time of the House—so many more chances of carrying their measures, that he thought it much better to defer to their superior advantages, and leave it to them to bring in a Bill on the subject. He felt he should be justified in bringing the matter forward, even if he asked for the repeal of the stamp, on financial grounds, for the Ministers themselves in their speeches of last Session, gave it as their opinion, that in a financial point of view the newspaper stamp question was insignificant, and was unimportant in refeference to other considerations connected with it. If, therefore, he were to point out that by the substitution of a simple postage charge upon all printed papers passing through the post, a great portion of the amount that would be lost by the repeal of the stamp would be regained, he might reasonably suppose that any apprehension that might be felt at the present time in dealing with the question as a matter of revenue would be silenced. But he had thought it better, on the whole, to dismiss the financial question altogether, and merely to deal with the question of the unsatisfactory state of the law, and the unequal execution of that law. He knew he might have been justified in taking higher ground. He might have argued that at the present day, when education was a matter of such deep public interest, a cheap press and a free press, and by its means the dissemination of useful knowledge amongst all classes, would be beneficial as a matter of public policy. In that argument he might have expected considerable support, and might have quoted in favour of it the Report of Mr. Horace Mann, as to the existing educational provision in England and Wales, in which it was stated—

> "Much is undoubtedly doing now in providing

cheap literature, but a vast deal more remains to be accomplished, especially in the department of cheap newspapers, an abundance of which would do more to assist education than several millions of money spent in elementary schools, without some such inducement for the people to attend them."

He preferred, however, to submit his Motion in a form in which he might hope for at least some concurrence of opinion. He must admit that the question had been fairly met hitherto by all parties, Conservatives and Liberals; it had been viewed by all, not as a party question, but as one of general public interest, and it was in that spirit he now submitted it to the House. He had had the honour of accompanying a deputation to Lord Derby when that noble Lord was at the head of the Government, and to submit to his consideration the anomalies of the present state of the newspaper laws and of the newspaper stamp law. The deputation requested Lord Derby to abolish the stamp law. Lord Derby, in reply, said—"He had listened with great attention to all that had been said by the deputation, but it was not to be expected that he could enter at once into the details of a question so complicated and so mixed up with financial and social considerations. There was one point, however, in which he was quite clear, namely, that the law upon the subject as it stood was not in a satisfactory position. Whatever the law was it ought to be simple, and it ought to be enforced; that his Government had shown no indisposition to promote the dissemination of knowledge, and he thought it of great importance that the matter should be immediately attended to." It was precisely the point which Lord Derby then indicated, that he (Mr. M. Gibson) now submitted for the approval of the House, namely, that the state of the law was unsatisfactory, and ought to be made simple, and to be equally enforced. That was all he at present asked the House to approve, and he begged earnestly of hon. Members not to consider his opinion on other branches of the question, or any theories with regard to cheap newspapers, but to look to the words of his Resolution, and say whether there was anything in it to which a reasonable man could object. Having said thus much, he would proceed to demonstrate, first, that the law was ill-defined, and secondly, that it was not equally enforced. He would now proceed to demonstrate—first, that the law was ill-defined; and secondly, that it was not equally enforced. It would be in the recollection of the House that some time since a prosecution was instituted against the publishers of one of Mr. Charles Dickens's works, called the *Household Narrative of Current Events*. That prosecution was instituted by the Government of the day, not so much for the purpose, as it was said, of inflicting a penalty on Mr. Dickens's publishers, as for the purpose of ascertaining the law, and whether it was in the power of the Government to put down such publications as those which Mr. Dickens was issuing from the press; in fact, to clear up a doubtful point of law. He (Mr. M. Gibson) then said, that if the law was doubtful, bring in a Bill to settle it, and let the world know what they may do and what they may not do. That advice was not taken, and a prosecution was instituted in the Court of Exchequer against the publishers of Mr. Dickens's *Household Narrative;* and the Judges, by a majority of three to one, decided against the Government, and were of opinion that it was not a newspaper in the eye of the law. He again urged that the Government should legislate on the point, and save many individuals from being persecuted in the Court of Exchequer; but the Chancellor of the Exchequer said no, that the Judges were wrong and the Board of Inland Revenue right, and that the Government would not acquiesce in the decision of the Court of Exchequer, but would proceed to enforce their own view of the law. This went on for a certain time; the Government of Lord Derby then came in, and it was announced that the point would be settled by legislation, and a Bill was promised, which, in fact, was brought in by the present Government, to exempt the publishers of Mr. Dickens's work from the operation of the stamp duty, and Messrs. Bradbury and Evans were released from the persecution of the Board of Inland Revenue. So that the step which he (Mr. M. Gibson) and those who thought with him had advised to be taken at first was obliged to be taken at last. But what was the position of the law now? That Bill exempted those publications from the stamp duty and it defined what was to be considered news and what was a newspaper. But another point, indeed several points of law had arisen, springing out of that Bill, and also out of the state of the law as it previously existed. The same course was pursued; and instead of bringing in a Bill to define the law, a prosecution was commenced against the *Penny Dublin Commercial Journal*, the proprietor of which was a Mr. Shaw. The object was, according to the avowal of the counsel for the Crown, the same as that in the case of Mr. Dickens, not to enforce a penalty, but to try a right and to ascertain a point of law. The counsel for the defence, the hon. and learned Member for Enniskillen (Mr. Whiteside), in the Dublin Court of Exchequer, eloquently denounced the system of singling out individuals as victims by instituting these prosecutions, merely to try a point of law, and he appealed to the jury against the injustice of putting parties to large expenses, merely to ascertain what was the law, when it was the duty of Government with the assistance of the law officers of the Crown to come forward with a Bill, making the law so clear that the Queen's subjects might know what to do, and what to abstain from. In the case of the *Dublin Commercial Journal* the Government was defeated again, and the Chancellor of the Exchequer, when he was asked what he would then do, said, as he had said in Mr. Dickens's case, that he did not acquiesce in the verdict of the Court of Exchequer, and that he would go on prosecuting Mr. Shaw, the proprietor of the *Dublin Commercial Journal*, until he could get some court of law or jury to come into his views. He (Mr. M. Gibson) said it was a monstrous injustice thus to prosecute individuals, and he would appeal to the House whether, as a Member of Parliament, he had not a right to call on the Executive to bring forward a Bill to make the law clear and intelligible. There was a point of law connected with the case of the *Dublin Commercial Journal* which was curious. The question was, whether a paper consisting for the most part of literary matter, and only containing scraps of news, was in point of law a newspaper; and the defendant pleaded, firstly, that if the paper did contain news, it only contained a little news; secondly, that it did not contain political news; and thirdly, that there was no proof that the news it contained was true; for it had been contended that if what was stated as fact was only fiction, it was not news, and the paper was not liable to the stamp duty. On this point, Mr. Baron Parke, whose authority would not be disputed, said that a little news was not enough to make a paper a newspaper under the words of the Act of Parliament, which were meant to apply to a paper whose main object was to give a record of current events, and that the casual mention of a scrap or two of news did not make it a newspaper. That was one of the points the Court of Exchequer in Dublin had to decide. But what a point it was, for the question arose as to what was a little news, what fraction of a paper occupied made the matter news. If it had been decided that you might have a little news, that did not improve the clearness of the law, and it was still difficult to show what proportion of a paper so occupied made it a newspaper. He should be sorry to misrepresent the learned Judge, and he would, therefore, read Mr. Baron Parke's opinion. Speaking of another publication he said in effect that—

> "He was clearly of opinion that the paper did not come within the definition of the newspaper under the Act of Parliament. The Act did not specify the publication of news simply, but public news of events, and intelligence, and it was not enough to satisfy the Act if there was a single article of news in a paper, and the rest of it was filled with discussions on books, the fine arts, or scientific subjects."

That doctrine, that a little news was legal and a great deal illegal, was still a matter of doubt, and the counsel for the Crown in the Court of Exchequer in Dublin declared that it decided the law with reference to a numerous class of publications. So that it not only affected Mr. Shaw and the *Dublin Commercial Journal*, but it hung up numerous publications of the same class in England and Ireland. The next ground taken with reference to the *Dublin Commercial Journal* was, that it was not political, and it was endeavoured to be shown, by some sort of innuendo, that the object of the Legislature in passing the Stamp Acts was not revenue. The learned counsel for the Crown said—

> "Now, gentlemen of the jury, I will bring before your notice what appears to me to be the question before you. First, let me say one or two words on the general policy of stamping papers such as these. You are aware, no matter what may be said of the liberty of the press, a great deal may also be said of its licentiousness, and the Government of the country, to keep a proper control over the public press, and to keep within its own power a proprietor of a paper, who departing from liberty, may indulge in licentiousness, has provided a machinery by which every proprietor of a paper is bound to restrictions and bound to pay a certain stamp to protect the public."

He (Mr. M. Gibson) contended, with great deference, that this was bad law, for he defied the hon. and learned Gentleman the Attorney General to produce any Act of Parliament which declared that the stamp duty was imposed on licentiousness. The stamp duty was imposed on the record of facts, and you might publish licentiousness, blasphemy, sedition, and obscenity without a stamp, and it was always the fear of the circulation which caused the imposition of the stamp duty, and the Legislature never imposed a stamp duty on anything but records of facts, and he denied that the counsel in question, when he was talking about liberty and licentiousness, was correctly stating the law. This occurred with reference not to a licentious paper, but a harmless moral publication, in which no one pretended that a word of licence was to be found. He had looked at the particular copy which was the subject of the prosecution, to see if there was any ground for this attempt to prejudice the jury against the *Dublin Commercial Journal* by talking about licentiousness, and he found that it really contained nothing more than some good-natured half-complimentary remarks upon Her Majesty's present Ministers. In speaking of the present Government it said—

> "With all this undoubted personal ability, I have little hope that the new Cabinet will work well. It wants a principle, and it is too rich in individual intellect."

That was the only bit of licentiousness he could find in that journal. He thought the spirit displayed in that prosecution seemed like an attempt to set aside the law which passed last Session. That was, however, met by Chief Baron Pennefather, the presiding Judge on that occasion. There was something of refinement in the Act of last Session, by which the stamp was repealed on papers containing commentaries on news, but not repealed on papers containing news itself. It required an intellect of the refining power attributed to the right hon. Gentleman the Chancellor of the Exchequer to enable a Bill to be drawn making a distinction between commentaries on facts and facts themselves. Observations on facts were allowed to go free of duty, but if you gave the facts themselves, you were liable to a penalty. He would appeal to the Attorney General if he was not correct, and to show that he was correct, he would quote what was said by Chief Baron Pennefather in the case of the *Dublin Commercial Journal*. The learned Judge, in his charge to the jury, said—

> "One paragraph is contained in the paper on which reliance has been placed on both sides. It is the 'Letter from London.' Now, this contained a good deal of observation on public occurrences. It consisted of matters of considerable public interest, a good deal of observation and discussion on what is represented as political, change of Government, &c. The fact of its containing observation and discussion, I must tell you, in point of law does not constitute that portion anything that would make the publication a 'newspaper.' The mere fact of there being observations and discussions was at one time a test on which a publication was to be determined whether it was a newspaper or not, but that test no longer exists in point of law. You will consider with respect to that portion of the paper, whether that letter conveys information of a fact of a public nature, whether it contains 'public news, intelligence, or occurrences.' So far as it contains observations and discussions, you will exclude it from your consideration as a test, but so far as it conveys intelligence of facts, you will give it such weight as you think it deserves."

The Committee of which he (Mr. M. Gibson) was Chairman, reported that nothing was so undesirable as the drawing of a distinction between observations on facts and facts themselves, and the difficulties were pointed out which would arise from that course being pursued, and it was stated that there would be a complete harvest of cases in the Exchequer. Here was one of them, in which the counsel brought forward the point of observations on facts being liable to a stamp, but the Judge decided that the Chancellor of the Exchequer last Session had repealed the stamp duty on observations on facts, but left it on the record of the facts themselves. The law, therefore, was in this position, if he (Mr. M. Gibson) published a paper in which Admiral Dundas was made to express his regret at being compelled to make an attack on Odessa, he would be liable to a penalty of 20*l.* if it was published without a stamp; but if he published a violent commentary on the conduct of Admiral Dundas in the affair at Odessa, he could publish it free of duty, because he was not recording a fact. He said, that if it was considered to be consistent with public policy to allow observations on facts to circulate without any security being given to the State, you should also allow the facts themselves to circulate as freely, so that a knowledge of the facts as they really were might tend to correct erroneous theories, which might otherwise be founded on an absence of knowledge of the real facts of a case. He had shown, he thought, in the case of the *Dublin Penny Commercial Journal*, sufficient to induce hon. Members, if they did nothing else, to vote with him that the law required to be better defined and made more intelligible. He had been found fault with for putting the word "early" in his Resolution—"that the subject demanded the 'early' consideration of Parliament"—he was told that he ought to have used the word "immediate," and he begged leave most sincerely to tell the Government that they were not mere theoretical grievances that he brought to their notice, and that there were many persons of humble means in various parts of the country interested practically in the settlement of this question, and he hoped the Government would not charge him with conjuring up those which were not real practical grievances, for he had shown that such a case had been prosecuted in the Court of Exchequer in Dublin. He would now take the liberty of mentioning another case of more recent origin with reference to the present uncertain state of the law. There had been a discovery made lately that musical announcements came under the head of news. This was a view of the case which had never been taken before. Mr. Novello, the publisher of a paper called the *Musical Times*, received a communication from the Board of Inland Revenue dated 8th May, 1854, thus making it clear that it was a recent discovery, which was as follows—

"Inland Revenue, London, May 8, 1854.

"Sir,—I am directed by the Commissioners of this Board to communicate with you respecting a paper entitled the *Musical Times*, printed and published by you, some unstamped copies of which have been brought under their observation. As this paper contains news, as well as principally advertisements, and is published at intervals of not less than twenty-six days, it is a newspaper, liable to stamp duty, and for every copy printed upon unstamped paper a penalty has been incurred. I shall be happy to submit to the Board any explanation you may think proper to offer upon the subject. I am, Sir, your obedient servant,

"J. Timm, Solicitor of Inland Revenue."

To this Mr. Novello replied as follows—

"London, 69, Dean Street, Soho, May 11, 1854.

"Sir,—I have to acknowledge your letter of May 8. I have delivered to the Stamp Office stamped and unstamped copies of every number of the *Musical Times* for the last ten years (as compelled by law to do), and each of these copies has been thoroughly examined by your officers, to ascertain how much of it was liable to duty for advertisements, so long as that impost was chargeable; and I suppose that, both before and since, it has been examined to see that it contained no blasphemous and seditious libel, as I am compelled still to deliver a copy for the latter purpose. During these ten years the news contained in the paper has always been of precisely the same kind, and your office (as I have shown) was thoroughly acquainted with its nature, and, as no objection has been made, I must suppose that the *Musical Times* has, during ten years, been published with the sanction of your office. I should be glad, therefore, to be favoured by your pointing out what particular passage of news you now consider as making the paper liable to be all printed upon stamps. The *Musical Times* has always consisted 'principally' of a piece of music, for which the same price is paid, whether printed alone, or whether accompanied by the matter of temporary interest which is given with it only when first published. The music being that for which the money is paid in all instances, you will perceive that, supposing sixteen or more pages of advertisements to be given with the music, the *Musical Times* would still consist 'principally' of the music, which is what people pay for. I am obliged by your offer to submit my representation to the Board, and I feel all the inconvenience of their position, in having to administer a law which the Judges are unable to define, and which no Government has yet had either the grace to repeal or the courage equally to enforce. I am not without hope that the present Government will adopt the graceful course and repeal these bad laws; but if, in the meantime, they are determined to make the existing laws respected, they would be more likely to succeed by prosecuting any of the other fifty or sixty papers placed in precisely the same position as the *Musical Times*, because ill-natured people will be apt to think the selection more due to its being the property of the Treasurer of the Active Association for the Repeal of all the Taxes on Knowledge, rather than to any peculiarity in the contents of the *Musical Times*, requiring the enforcement of the law to begin with that paper.—I am, Sir, your obedient servant,

"Alfred Novello."

"To J. Timm, Esq., Solicitor of Inland Revenue."

It was his firm belief that the *Musical Times* was no newspaper at all, and that opinion was founded on the practical and the written opinion of the Board of Inland Revenue. He would read the opinion of Mr. Timm, the Solicitor to the Board of Inland Revenue, on that point. Messrs. Robinson and Crofton, of Silver Street, Wakefield, in January, 1851, wrote to Mr. Timm, to the effect—

"that they were anxious not to infringe the Stamp Act, and inquiring whether in an unstamped publication of theirs they might insert such things as markets, births, deaths, and marriages, and observations on dramatic performances, concerts, and balls in Wakefield, without incurring liability."

To this they received the following answer—

"Inland Revenue, March 1, 1851.

"Gentlemen,—In answer to your letter of the 25th ultimo, I beg to say that any account of the markets may be lawfully published in an unstamped paper. No notice is taken of accounts of dramatic performances and such like, but any other matter published in unstamped papers will not be overlooked. I am, &c. J. Timm.

"Messrs. Robinson and Crofton,
Silver Street, Wakefield."

It was thought that the words "such like" included balls and concerts, and if no notice was taken of accounts of them at Wakefield, why should they be subjected to a penalty in the *Musical Times?* Where were persons to make inquiries if they made applications on these points to the officers of the Crown, and got answers on which they acted, and yet were made liable to penalties? This arose not from any fault of the Board of Inland Revenue, but from your maintaining a defective system, which tended to bring the executive officers into bad repute, and cast undeserved odium on them. He believed that Mr. John Wood, the Chairman of the Board of Inland Revenue, was always desirous of doing justice and of acting with leniency; but neither Mr. John Wood, or Mr. Timm, or Mr. Keogh, could administer such an unintelligible system; and if it were changed, not only would it relieve many persons, but would relieve the Government's own officers from the odium of appearing to minister the law with unfairness and partiality. There were these two cases he had mentioned still pending, one in Dublin, in order to ascertain whether a little news constituted a newspaper, and also what was a newspaper; and the other question, with regard to musical announcements, and there were other cases also involved in the same uncertainty. He thought that the instances which he adduced had fully made out a case for legislation, and that there ought to be a Bill brought in without loss of time for the purpose of clearly defining the law. With regard to the other head of his Resolution, namely, that the law was unequally enforced, he had abundant evidence to prove it. The practice had been not to enforce the law against the strong, not against powerful London publishers, but to press with undue severity on the humble proprietors of small papers in provincial towns. There was one law for London and another for the country, and he would give an immediate illustration of it, from the evidence of the Board of Inland Revenue itself, and their own opinions. He would read a correspondence which had taken place between the proprietor of the *Racing Times* and the Board of Inland Revenue. Mr. Timm wrote on the 13th of September, 1851, to the proprietors of the *Racing Times*, stating that—

"Several numbers of the *Racing Times* had been recently published without being stamped, and he begged to call for such an explanation as would show why a prosecution should not be instituted; and as the case admitted of no delay whatever, he begged immediate attention to it."

To this an answer was returned by Mr. John Thompson to the effect that—

"He begged to inform Mr. Timm that he was in error with regard to the *Racing Times* being a newspaper, as it was strictly a publication which had been described by his officers as a class publication, like the *Athenæum*, the *Law Times*, the *Builder*, the *Medical Gazette*, and others, which were not liable to the stamp duty. He would only add that the *Racing Times* had been published unstamped since its first publication; that the advertisement duty had been duly paid, and that on the dictum of the Board of Inland Revenue itself, it was a publication not within the Stamp Act."

To this Mr. Timm replied—

"That no person could doubt that the *Racing Times* was a newspaper liable to the stamp duty, and if its publication unstamped was persisted in, the law would be enforced against every person selling it."

The following reply was sent to that letter—

"*Racing Times* Office,
"291, Strand, September 20.

"Sir—I have not acted without high legal advice in the matter of the publication of the *Racing Times*, and therefore I have only to inform you that I am perfectly prepared to support my right in a court of law; and when you require it I will furnish you with the name of my solicitor, who on my behalf will accept notice of any proceedings you may think proper to institute, and take the necessary steps in defence thereof.—I am, &c.

"JOHN THOMPSON.

"J. Timm, Esq."

Here Mr. Timm said that there was no doubt that the *Racing Times* was liable to the duty, and that the case admitted of no delay, but the moment Mr. Thompson suggested that he would instruct his solicitor to appear to any proceedings, Mr. Timm disappeared from the field, and was heard of no more. Mr. John Thompson lived in London, and his case was the same as that of the *Athenæum*, the *Medical Gazette*, the *Builder*, the *Law Times*, and a host of others, and he was backed by strong publishers. But when the Government had to deal with a penny paper like the *Potteries Free Press*, printed in a provincial town, and looked upon with contempt probably by the publishers of London newspapers, then Mr. Timm had the publisher brought to the police office and fined 20*l.*, and afterwards he took him to the Exchequer, where there was another decision against him, though he would do Government the justice to say that they did not take the penalties, their consciences, he supposed, not letting them. He gave them credit for this latter part of their course. He should not like to be in the position of the Attorney General of a Government which had made such professions in favour of the spread of knowledge and education, and who had to appear against these publishers with a view to put down their publications, and to render them liable to penalties. But was not this a system of injustice in which Parliament ought to interfere? Persons had applied to their legal advisers to know what they ought to do in order to have a fair and impartial administration of the law, and their legal advisers had told them that there was no course open to them but an appeal to the House of Commons. Well, but if there were inequalities in regard to prosecutions for the stamps, what should they say of the way in which the security system was administered in this country? The 60 *Geo.* III. c. 9, one of the celebrated Six Acts, was passed against the small political publications which in those days were supposed to be dangerous to the Constitution and to the religion of the country. The preamble recited that "Whereas it is expedient to restrain small publications now issuing from the press in great numbers, be it enacted" so and so. Then it provided that certain securities should be taken against all such publications, namely, publications that contained facts and occurrences, or observations on facts and occurrences, and also that contained any comments on matters of Church and State. That was the law. It had no reference to periodical papers. Carry out that law, and no man in this country was at liberty to publish a pamphlet under the price of 6*d.*, containing less than 714 square inches in size without having entered into securities against blasphemy and sedition. And how was it carried out? Would it be believed, that it was not enforced against the parties in reference to whom it was first enacted? The writers of small political pamphlets were not interfered with; they gave no security; and the only parties that it was enforced against were those who happened to take out newspaper stamps for postage purposes, or the writers of some few casual harmless publications. To give them an idea how this law was administered, he held in his hand a publication called the *Political Examiner*, price 1*d.*, a weekly democratic journal, with a motto from the works of the right hon. Member for Edinburgh (Mr. Macaulay)—

> "If men are to wait for liberty till they become wise and good in slavery, they may indeed wait for ever."

Now, this was exactly the kind of publication that it was intended should give security, but nothing of the kind was ever asked for. The *English Republic* was another periodical of a similar description which found no securities. Here, however, was a publication which actually did find securities for 400*l.* that it would publish nothing seditious or blasphemous, and what did the House suppose was its heading? *Outline of a Lesson for Girls on the Ingredients of a Plumpudding.* He should scarcely have thought that there was anything very seditious in the ingredients of a plumpudding. He very much doubted whether the Statute applied to such a publication as that he had last described, and yet this was the mode in which this system was carried out. He was against a security system altogether. He did not think they ought to assume that a printer was necessarily about to print a blasphemous publication. But the question he put was, were those against whom this law was intended to operate to escape giving security, and were they to enforce it against those whom it was never intended the law should apply to? He remembered a pamphlet containing an admirable speech on the present state of the Colonies, by his right hon. Friend the First Commissioner of Works, from which he derived great information, but as it was published at a less price than 6*d.*, and contained less than 714 square inches, the right hon. Gentleman was liable to be prosecuted by the Attorney General for publishing it unless he had given securities against blasphemy and sedition. If, owing to its price, that case was not quite in point, there was another which certainly was. The noble Lord the Member for the City of London (Lord J. Russell) had written a celebrated letter to the Bishop of Durham. That letter had been published by Mr. Westerton, and sold at Knightsbridge for 5*s.* a-thousand, so that its price was undoubtedly less than 6*d.*, and its size was undoubtedly less than 714 square inches. There could be no doubt, then, that Mr. Westerton was liable at this time, if the Attorney General did his duty, for having published a paper commenting upon Church and State without having given securities. These cases showed the absurd position in which the law stood; and he respectfully appealed to the Attorney General to signalise his administration of the affairs of his office by advising the

Government not to allow a day to pass without taking into consideration this foolish and anomalous state of things. The state of war was not a reason for neglecting it. He could not live upon war. He was interested, no doubt, in all the accounts, but he confessed it was becoming to him somewhat tedious already. He hoped Government did not mean them to understand that they were to subsist entirely upon the war. They must gather laurels in the field of peace as well as in the field of war, if they meant to retain the confidence of the constituencies of this country. He very much doubted if when they went to another general election and all the supporters of the Government had to say was, that they had been so occupied in supporting the integrity and independence of the Sublime Porte that they had been unable to attend to domestic affairs—he doubted whether the constituent body, who did not reason so nicely on the balance of power and so forth, would be satisfied with that. He hoped Government would enable their supporters to say that they had at least endeavoured to remedy the anomalies and the evils which he had mentioned, and that they would have some regard also for the cause of education which would be best promoted by an unrestricted and a good press, which could only be obtained by dealing with these important matters, and making the press free of all fiscal restrictions, and from all control, except that of a court of law for libel. Before he took his leave of this security system, let him mention one more case. He called the attention of his agricultural friends to a publication which was obliged to give security, he believed illegally. It had a very ominous name certainly. This was its title:—*Important to Agriculturists—First subscription list now opened for improved corn-rick stands.* The publisher of this harmless statement was obliged to find security, whilst a paper called the *English Republican*, written with great ability, and which discussed week by week the advantages of republicanism as against monarchical government, the very publication which it was intended should give security, the Board of Inland Revenue allowed to pass without notice. Such a monstrous anomaly as this ought not to be continued. These were the grounds on which he had taken the liberty of asking the House to agree to the proposition that the law was ill-defined and was unequally enforced. He would tell hon. Gentlemen opposite, whatever might be their opinions on these matters, that Lord Derby, when they were pressed upon him, had no doubt on them, and did not seem in the slightest degree to question the possibility of making the law equal, and was also strongly impressed with the injustice of allowing it to remain in its present state. Another point connected with it appeared in the correspondence which was laid on the table of the House yesterday, and which showed what an amount of petty persecution was now going on, the Board of Inland Revenue writing to publishers telling them that they were breaking the law, but not telling them what it was they had done. What a cruel system this was. The consequence was, that their cheap literature must necessarily fall into the hands of men of comparatively not such high station and respectability, and who did not care for violating these laws. Letters of this kind tended more than prosecutions to frighten out of existence small publications, and to deter men of capital and respectability from supporting the cheap literature of the country. He wanted to see a cheap press, but he also wanted to see a good press. He did not want to give a monopoly of the cheap press to those who would violate the law. On the contrary, he wished to see a cheap press in the hands of men of good moral character, of respectability, and of capital; and it was his sincere and conscientious belief that that policy was calculated to promote the best interests of this country, and would have more effect in educating the great mass of the people than any Education Bill that they could pass through Parliament. A strange point had been started lately by the Board of Inland Revenue, that persons might not publish monthly except at the beginning of the month. No man might record a fact monthly except at the beginning of the month, or two days before or two days after it. No doubt that was intended by the 60 *Geo.* III. c. 9; but subsequent Acts of Parliament had been passed which were supposed by good lawyers to have repealed this provision. He knew the Attorney General would tell him that this was done in order to prevent a person publishing every week monthly publications under different names to evade the stamp. But the answer was defective, because it did not apply to a case of a paper consisting principally of advertisements, which was required to be stamped. What they seemed to be afraid of was not so much the defrauding of the revenue as the permitting papers to be published without restrictions. He trusted the Attorney General would take this into consideration. Restricting these publications to five consecutive days in the month was a great inconvenience, and if that was the law, which he very much doubted, he asked that it might be repealed. It would affect no revenue, and he did not think this provision of the Act was intended to prevent such publications coming into competition with weekly newspapers. He had now trespassed sufficiently on the time of the House, considering the indulgence he had met with on former occasions. He most emphatically asked hon. Gentlemen not to direct their attention to any theories of his own, or of any other Member, with respect to this question, but simply to support a Resolution which merely involved a question of making the law clear, and enforcing it with justice and equality. The Motion was one to which every sensible man, and every one who had the interest of his country at heart, might fairly, and without reference to party considerations, give in his adhesion.

Mr. KINNAIRD, in seconding the Resolution, said that, after the able and lucid statement just made by his right hon. Friend, it was unnecessary for him to detain the House by entering into the legal view of the question. He merely wished to bear his testimony to the facts which had been brought forward, and to state, from his own knowledge, that the large manufacturing towns were inundated with a class of low, immoral publications, which the people would read. By the present state of the law, they were precluded from reading that which was interesting and useful, and were compelled to read a deal of trash and unwholesome matter, which the repeal of the present laws would, more than anything else, tend to put an end to.

Motion made, and Question proposed—

> "That it is the opinion of this House, that the Laws in reference to the Periodical Press and Newspaper Stamp are ill-defined and unequally enforced; and it appears to this House that the subject demands the early consideration of Parliament."

The ATTORNEY GENERAL said, he did not rise with the intention of quarrelling much with the Resolution of the right hon. Member for Manchester, for he was disposed to think that the law on the subject of the periodical press required revising and amending. He was also prepared to admit that up to the present time the law had been unequally enforced; but to this he could give some explanation and qualification, for he did not wish the House to run away with the notion that the law had been arbitrarily enforced, for it had not been so. The portion of the address of the hon. Member with which he was most disposed to quarrel was the unnecessary bitterness with which he had commented on the conduct of the Stamp Office officials. The principle on which the law had been administered with regard to these publications was, that wherever a periodical publication had confined itself to any single class of subjects, there the law had not interfered. He believed this principle was originally introduced in the case of the *Athenæum*, for it was considered that in the case of publications not being at all devoted to political subjects, yet which conveyed an amount of amusement and instruction which would be beneficial, these publications, wanting the more exciting political topics, would be less likely to obtain the favour of the public, and were those to which the Legislature might extend some indulgence and favour. This began with publications of a literary or philosophical character, and was gradually extended; for when the principle of exemption was introduced, it was felt to be no more than fairness and justice that the principle should be applied to all those publications which fell within it. The consequence of this has been, that so many of these class publications are now issued, that many and serious complaints have been made against these exemptions by those who pay the duty, so that he could promise the right hon. Member he would now obtain that which he contended for, and the law should be equally enforced against the whole of those publications infringing the law. It was rather odd that one who, like the right hon. Member for Manchester, had so long and eloquently contended for the repeal of the duties, should now clamour for the inflexible and uniform enforcement of the law. He thought the principle on which the right hon. Gentleman did this might be surmised. The right hon. Gentleman conceived that the greater the number of the periodicals subjected to this tax, the greater would be the outcry against them, and the greater the chances of their repeal. He (the Attorney General) did not quarrel with this; but it should be borne in mind, when complaints arose of the unequal enforcement of the law, and of the conduct of the officers of the Board of Inland Revenue, that prosecutions had arisen out of the grievous complaints made by parties paying the duties against those where exempted. He considered, as he had previously stated, that the law on this subject required additions and amendments, but he could not agree with the right hon. Member as to its imperfect state with regard to the case he had mentioned of the Dublin paper. In this case the law decided nothing—the Judge merely told the jury that the law was defined by the definition in the Act of Parliament, and asked the jury to find and determine as a question of fact whether that portion of the newspaper relied upon by the counsel for the Crown did contain public news, intelligence, or occurrences. In this case the question had to be decided by a jury, and the jury said it was not a periodical containing news, intelligence, or occurrences, and they gave it as their opinion that the paper did not come within the meaning of the Act. In such cases as these, when the question came to be whether the law was or was not infringed, there was no alternative but to bring them before a jury, by whose decision alone the point at issue could be settled. Now, he asked the right hon. Gentleman whether he was able to give a better definition of a newspaper than that which was laid down in the Act of Parliament? So long as they admitted the principle that a newspaper was to be taxed, some definition such as that must be adhered to. With reference to the tax, all he would say was, that the Chancellor of the Exchequer was not present, and they could not fairly be asked to consider the repeal of so considerable an amount of the public revenue. In present circumstances such a proposition was out of the question. All they were now considering, therefore, was, whether the definition given by the law was a right definition or not; and again he asked whether they could give a better definition of a newspaper than that it was a publication containing "public news, intelligence, and occurrences?" He could not agree with the right hon. Gentleman in the views he had expressed on that point. At the same time he trusted the right hon. Gentleman would feel that he did not say this from any backwardness or obstinacy in accepting from him any advice that might be serviceable on this question. If his right hon. Friend could point out any mode by which the law might be amended, he would be most happy to avail himself of his suggestions. He admitted that there were parts of the law which might be amended; those relating to bonds and securities called for consideration, and he would be ready to give his best assistance towards making such alterations as might be deemed necessary. He could not, however, concur with the right hon. Gentleman in thinking that the law had been unequally and capriciously enforced; and when the right hon. Gentleman complained of their conduct in selecting an individual for prosecution, because he conducted an obscure paper in the provinces, while they did not venture to grapple with the London publishers, he must protest against that language, more especially as coming from a gentleman who himself insisted that the case in question should be brought to trial.

MR. MILNER GIBSON said, he must beg to explain. He objected to the case being taken before a police magistrate, and wished to have it heard, if it was to be tried at all, before the Judges of the Court of Exchequer.

THE ATTORNEY GENERAL said, he regretted that he had confounded the right hon. Gentleman with another person who certainly insisted that the case should be taken up and prosecuted by the Government. But even in that case of the *Potteries Free Press*, the object of the Government was simply to enforce the law, and not to inflict hardship upon an individual, and the best proof that such was their intention was to be found in the fact that they returned the penalties which were awarded to them by the Court. He agreed with the right hon. Gentleman that certain portions of the law required amendment, and that the law ought to be uniformly enforced upon one general principle. He hoped the right hon. Gentleman would be satisfied with the declaration which he had made, and which he would be ready to act upon, and that he would not think that he opposed his Motion in any hostile spirit when he took the liberty of moving the previous question.

Whereupon the *Previous Question* was proposed, "That that Question be now put."

MR. EWART said, he was glad to hear

his hon. and learned Friend the Attorney General state, that he was willing to consider the question of securities, and he trusted he would also consider that part of the law which subjected to the stamp those papers that consisted only of advertisements, because it was absurd to repeal the advertisement duty, and yet prevent the circulation of advertisements in unstamped papers. He looked upon the whole question as one that concerned the education of the people, and regretted that the war in which we were engaged should have intervened to perpetuate the present system. They had refused to entertain the question of national education—so intense was the *odium theologicum* throughout the country —and he was therefore the more anxious that the people should have the means of educating themselves by means of libraries, and museums, and the extensive circulation of a free press. They had thrown out the Bill for promoting a national system of education in Scotland; and if they thus refused national education on the one hand, and, on the other, prevented the people from enjoying the advantages of unstamped newspapers, he did not know what was to be the result. In America every man had his newspaper, and they had the best authority for saying that the state of political education gave the people there an immense superiority over the people of this country. It was possible even in India to establish a system of education, so that in this respect England was not only behind America, but positively behind her own Colonies. He hoped that, though his right hon. Friend might not succeed in the present instance, he would nevertheless continue to agitate this question. He rejoiced that the Attorney General had promised to alter the law with respect to bonds, and his great hope was, that hereafter the efforts of the right hon. Member for Manchester (Mr. M. Gibson) would be completely successful.

Mr. HUME said, he wished to know if it were the intention of the Attorney General to put an end to the present system of prosecutions? The object of his right hon. Friend the Member for Manchester, was to show that the law was so uncertain that no Judge or Jury could avoid giving offence; but the hon. and learned Gentleman had not told them that this state of things was to cease. He wished to see the remaining portion of "the Six Acts" blotted out of the Statute-book. Instead of progressing with the rest of the world, and especially with America, with which we came most into competition, we seemed to be going back. We were keeping up laws that maintained the people in ignorance, intolerance, and vice, instead of allowing such a free circulation of intelligence as would check those evils. What would be thought of the man who would try to make an animal live on one kind of food only, and expect it to work with vigour and efficiency? The food of an Englishman was news, intelligence, and information; yet they stinted him of these. They complained of the conduct of large masses of the population, but if they prevented them by their laws from obtaining information and from educating themselves, the responsibility would rest upon their shoulders, and not upon those of the poor ignorant creatures who might violate the laws of the land. A great deal had been said about the intolerance of Turkey. There was no such law in Turkey as that now under the consideration of the House. He believed, indeed, that England stood next to Catholic Rome in its desire to stifle knowledge. A vast improvement had been effected in America through the instrumentality of a free press, and he ventured to say that the same result would follow the adoption of the same policy in this country. He would advise the Government, at a time when they were at a loss to know what to do with crime, and when their prisons were overflowing, to remove all restriction on the free circulation of intelligence. There could be no doubt that the present state of the law prevented the employment of capital in the production of cheap publications. He would call upon the Government, therefore, to repeal the present laws altogether, and leave the press open, resting assured that so long as a Government acted rightly they had no reason to be afraid of any class of newspapers whatever.

The SOLICITOR GENERAL said, his hon. Friend who had last spoken seemed to have misapprehended the meaning of what fell from his hon. and learned Friend the Attorney General. He certainly understood his hon. and learned Friend to speak entirely in the spirit in which the right hon. Gentleman the Member for Manchester had moved his Resolution. He understood that a distinct pledge was given that this subject would receive the most anxious attention of the Government, and that his hon. and learned Friend was desirous only of showing to the

House the difficulties of attempting to define the law better than it was defined at present. This was a subject of that nature that it almost baffled the possibility of definition in terms that would ensure absolute certainty. The definition now used was not one of modern legislation, for it was the language of the 10th of Queen Anne, the precise words of that Statute having been introduced into the last Act passed on the subject. The words were, "public news, intelligence, or occurrences, which shall be dispersed or made public;" and it was impossible to use language more precise. The hon. Member for Dumfries (Mr. Ewart) had referred to what he called the anomaly of papers consisting wholly or principally of advertisements being treated as newspapers. He was possibly not aware of the fact that that was done at the instance and request of the parties who first started a paper of that description. There was a paper of that kind called the *North British Advertiser*, which had been in existence for a great number of years, and that paper being devoted exclusively to the purpose of advertisements an application was made by the proprietors that it should be admitted to the privilege of the stamp duty, in order that it might have the benefit of being transmitted through the Post Office. The operation of the present law, therefore, was considered to be beneficial, and not injurious, to papers consisting wholly or principally of advertisements. But the Resolution before the House was one which he trusted would not lead to any difference of opinion. At the same time he could not agree in the language of that Resolution, because it would imply the reproach that the law had not been equally enforced. He admitted that the law had been unequally enforced; but it had been so, not from any design, caprice, or inconstancy of purpose on the part of those who were intrusted with its administration, but from a desire to enforce it according to its spirit, and not according to its letter. At a very early period in the history of the law, it was held by the authorities that it was desirable not to apply the letter of the law in the case of publications whose object was to answer the useful purpose of education, and not to be a chronicle of "public news, intelligence, or occurrences." That was a laudable view to take of the matter; but unfortunately, in the attempt to carry it out, it had become impossible to proceed upon any even or uniform principle, and it was only in that sense that he allowed that the law had been unequally enforced. It had been unequally enforced from a desire to abide by the spirit of the law, to observe the real object of the enactment, and to make it minister to useful purposes, and not from a wish to apply it according to its letter in such a manner as to render it injurious to laudable undertakings. But the right hon. Member for Manchester (Mr. M. Gibson) knew perfectly well that a great number of publications had been started for the very purpose of endeavouring to show the impossibility of enforcing the law, and of turning it into contempt. It had, therefore, been found necessary to enforce the law in such cases, but the law had been so enforced without hardship to individuals, and it was evident that, unless they were prepared to say there should be no legislation on the subject of newspapers, it was impossible to avoid anomalies such as those which had been referred to during the course of the debate. He would repeat what had already been stated to the House, that this whole subject would receive the careful attention of the Government. The question of securities which had been referred to was not the only one deserving the attention of the Government. Some of the Acts of 1819 still remained unrepealed that ought in his opinion to be removed from the Statute-book, and an attempt ought to be made to bring the whole law into one uniform system. It would not be easy, however, to adopt a definition more clear and distinct than that which had been copied from the Act of Queen Anne and inserted in every Statute upon this subject from that time downwards. He trusted that the right hon. Gentleman who had brought forward this Motion would be satisfied with the assurance that this subject would have the earliest attention of the law officers of the Crown, and he hoped that the right hon. Gentleman would consent to act as an auxiliary to such officers in rendering the words of the Acts and the definition of the law upon the subject as clear as they possibly could be made.

SIR JOHN SHELLEY said, he considered that the assurances of the law officers of the Crown, so far as they went upon this matter, were satisfactory. He could not, however, agree with the hon. and learned Attorney General that the law relating to it was either well understood or well defined; and, as a proof that it was not so, he would refer to the very voluminous correspondence which he held in his hand, and which the House was in possession of on this subject, and which certainly went to prove the very opposite of what the hon. and learned Gentleman had asserted. He had moved a short time since for certain returns connected with the newspapers and with the stamp duties, which had been refused to him on the grounds that there were no means of giving the information that he required; but he found now, from the evidence of Mr. Novello, that from the stamped and unstamped copies of the newspaper which were necessarily deposited, there could have been little or no difficulty to put him into possession of the data that he required from the production of such returns. Under these circumstances, he should renew his application in a different form, by the adoption of which he had little doubt of being more successful. With respect to the question immediately before the House, he felt that his right hon. Friend (Mr. M. Gibson) had so well argued it that there was no necessity for him to go over the same ground; but, at the same time, he must say that he felt very much pleased at the pledge which the Motion of the right officers of the Crown. He wished to say a few words with regard to the postage of newspapers, the management and regulations of which he considered to be very inhon. Gentleman had extracted from the law adequate and annoying; and he was of opinion that if, in the estimation of Mr. Rowland Hill, 1*d.* on each paper was ample payment for the postage of the same, such penny ought to be paid. In the district in which he resided there were only two newspapers, and those journals could not be seen—he did not say by the agricultural labourers of the district, but even by the tenant farmers—unless they went to a public-house. Surely it was a bad position for a country to be in when its newspapers were so expensive that they could not be read by large masses of the people unless they went to the public-house, where they would necessarily be obliged to spend their money in drink and tobacco. He was one of those who believed that the rise and rapid circulation of cheap publications throughout the country would do much more to educate the people than all the national systems of education that ever were contemplated. He hoped that his right hon. Friend would carry his Motion to a division, as he should like the people of this country really to know who were or who were not honestly their friends in this matter.

Sir J. Shelley

MR. CROSSLEY said, he thought that every one must be pleased with the tone and temper in which the law officers of the Crown had treated this question. He had no faith, however, in their being able to come to any arrangement that would be satisfactory to the country. Although he was disposed to be as liberal as most Members with respect to these questions, nevertheless he could not agree with the doctrines which he had heard propounded with respect to their general effects upon education. He was one of those who had voted against the late scheme of the Government relative to education, and he should always continue to vote against such educational system, from the conviction that it was radically wrong. His notion in these matters was, "Hands off, and let the people educate themselves." He was quite certain that they would do much better without any interference of that House than with it. He could not agree with the hon. and learned Attorney General that when there was a time of war all lightening of taxation should necessarily be put a stop to; and in considering such an emergency, he thought that the advice given to him by an old friend when he first commenced business might be usefully followed, such advice being that "when difficulties increased our energies should increase also." He had followed and acted upon that advice, and could testify to the advantage of having done so. He would propose to Government that, in place of forcing restrictions which were complained of, it would be better that it should be made compulsory to put a stamp on all bankers' checks.

MR. BRIGHT: I am pleased, Sir, to find that the opinion of the law officers of the Crown on this question of the newspaper stamp is not so confident as on former occasions. They have been complimented by hon. Members on the tone and temper of their observations, and I certainly think that the tone of their observations is much more moderate than it has hitherto been. I am very glad to have the admissions by the hon. and learned Attorney General confirmed as they have been by his Colleague the Solicitor General; still I cannot conceal from myself that there is a very broad line between them and my right hon. Friend and Colleague (Mr. M. Gibson) who sits behind me. I doubt altogether whether their admissions are such that they ought to satisfy any one in this House who questions the propriety of the maintenance of the newspaper stamp as a tax on newspapers. If these hon. and learned Gentlemen do agree so entirely with my right hon. Friend, I cannot discover why they should have so strong an objection to the Resolution which he proposes to the House. The Resolution is one of a very innocent character, and I am rather disposed to blame my right hon. Friend for proposing a Resolution not so definite as the occasion required. The Resolution is this—

> "That it is the opinion of this House that the Laws in reference to the Periodical Press and Newspaper Stamp are ill-defined and unequally enforced; and it appears to this House that the subject demands the early consideration of Parliament."

And, if I do not mistake the language of the Attorney General, he thinks the laws are unequally enforced and the subject does demand the early consideration of Parliament, but that he does not agree that the laws are ill-defined; and that seems to be the difference between the Attorney General and my right hon. Friend (Mr. M. Gibson). With regard to the unequal enforcement of the law, do not let it be supposed that my right hon. Friend insinuated in the smallest measure that the Board of Inland Revenue have been unfair and unequal—that they have selected a man in one street to put a stamp on his publication, and omitted to compel a man in another street to stamp a publication of a like character. That is not charged against the Board of Inland Revenue, but that the law is unequally enforced has been admitted by the Attorney General, and the admission goes to this—that it has arisen, not from unfairness on the part of the Board—which has never been alleged—but from the absolute necessity of the case; and I believe the Attorney General is convinced that no consideration of Parliament, no alteration of the law, no fresh directions to the Board, can by any possibility prevent this law being unequally enforced; because if any attempt were made, such as that which the Attorney General told us he is about to make, or the Board are about to make, that every paper that comes within the law shall be taxed, I will undertake to say the law shall not last one Session of Parliament. That is precisely what we want. But if the Attorney General thinks otherwise, and that the law can be enforced, it does not seem to me at all a reason to withdraw a Resolution like this, to allow this question to remain without any opinion being expressed upon it to-night, and to be satisfied with the smooth phrases of the two distinguished Gentlemen who are the law officers of the Crown.

Do not let it be supposed for one moment that my right hon. Friend wishes that the *Athenæum*, or the *Builder*, or the *Racing Times*, or Mr. Novello's musical publications, should be stamped. He does not wish it at all—nothing is further from his thoughts. In fact, he is the resolved and unchangeable enemy of this stamp in every shape. But what he objects to is this, that, having laid on a stamp which is objectionable on every ground connected with the public interest, that you should so work it that it should catch merely one description of intelligence offered to the people, and allow other papers to be untouched by the stamp, contrary to the meaning of the law, in order not to excite public hostility, and in order that the public shall not prevent the continuance of the stamp on that particular class of information which you do not wish the public to possess. That is the real fact. There can be no doubt whatever in all its fiscal aspects, this question of the stamp, as the Chancellor of the Exchequer said on one occasion, is very immaterial and very insignificant. The stamp is retained with this tenacity in this shape, not for the sake of revenue, but because there has been a fear—in my opinion fear arising from ignorance and misconception—that cheap publications on political questions may be troublesome, and because some well-intentioned but misinformed men think that cheap publications may spread immorality and evil among the people. The hon. and learned Attorney General referred to the course of the Board of Inland Revenue with regard to what he calls class papers; and he admitted, very fairly, that the law does not exclude those papers from the operation of the stamp. And, in doing that, he only said what Judge Parke on the Bench had previously said, that, although these papers are devoted, one to architecture, one to literature, and another to horse-racing, that devotion to a particular subject does not exclude them from the operation of the law. Look at what this admission of the Attorney General really is. That a department of the State sitting at Somerset House, with a secretary and law officers, and all the incidentals of a public department—that this Board has been perpetually and continually allowing a large number of newspapers, published by a variety of persons, to be published weekly and monthly throughout this kingdom contrary to the Statute; and that not thousands, but hundreds of thousands, of pounds of taxes, which the Act of Parliament intended should be paid, have been remitted to individuals publishing papers which the Board thought were not objectionable, or perhaps useful. If one man in Manchester chooses to publish a paper with a summary of the debates of this House, with the Queen's Speech at the commencement of the Session, with the Address in answer to it, and with the proceedings of Parliament, he is taxed a penny on every paper he issues. This Board says to the man down at Manchester, "Pay your penny a week, a penny for every number (thousands of pounds a year it may be) into the Exchequer." But if another man in the Strand publishes a paper with details of all the exciting events of the turf, the Board says to him—"For you the Statute-book was not made." Although the Attorney General says the Statute-book was made for him, he is allowed to escape this tax, and I only mention this for the purpose of bringing before the notice of the Government and of the House this argument against the tax—that if it were a good tax, if it were a wise tax, if it were an equal tax, certainly you would have applied it to all cases; but you are conscious that it is not a tax of that character, and you know, so worked, public opinion would overturn the tax, and in order to save a part of it you allow a considerable portion of the publications issued to escape taxation. Thus everybody knows one of the great arguments of the Chancellor of the Exchequer, of the right hon. Baronet the Member for Halifax (Sir C. Wood), when he was Chancellor of the Exchequer, and of the late Sir Robert Peel—that their constant argument has been that certain taxes should be repealed or altered, because, from circumstances connected with them, it was impossible to make them equal or collect them without vast cost and vast injustice. I ask Gentlemen now sitting on the Treasury bench, who were sitting there with Sir Robert Peel, do they not remember when Sir Robert Peel exhibited, in the course of a speech, a handful of straw plait, and did he not tell the House it was absurd and impossible to retain a tax upon an article like that, in shape so light, so little bulky, that it could be smuggled into the country and the import duty evaded, thus destroying the efficacy of the law, and deluding manufacturers with the idea that they had a protection which they had not? To bring the case home. This is a tax which you cannot enforce. You admit you have not enforced it, and you allow that you have lost hundreds of thousands of pounds of revenue by not being able to enforce it. You say you are going to enforce it. I cannot tell the Attorney General I do not believe him. I believe he intends to do the best he can with this law, but I know it is not so easy to maintain it in every case, and still maintain it on the statute-book, and I do not suppose he wants the tax extended any further.

Now, I wish to inquire what will be the operation of this statute on the proceedings of the electric telegraph companies. We go from this House to the Reform Club, to the Carlton Club, or to that club in St. James's Street which a distinguished individual said he never heard of, and you find in all of them information of what is here going on. Only leaving the Reform Club just now, I found in the hall a report of part of the speech of my right hon. colleague, but every such paragraph so published is a violation of the law. It is not at intervals of a week, a day, or an hour, but every five minutes the news from this House is being published all over London. It is sent down into the country and printed there also. I want to know whether the Attorney General intends to put a stop to that wonderful operation of the electric telegraph? Is a vast public company like this, having invested many hundreds of thousands of pounds, and doing that which is marvellous to the most intelligent and scientific—bringing the public mind into more intimate connection with the transactions of the Houses of Parliament—is a public company to be insulted, taxed, worried, and destroyed by the Board of Inland Revenue, as it may be if this law is carried out? No, it will not be done. The Attorney General knows it will not be done. If somebody is to be found to do it, the hon. and learned Gentleman is not the man to be the instrument of such doings. The Attorney General knows too well what is the course of things in this country, and I have no expectation whatever that he, as a law officer of the Crown, will lend himself in any way to lessen the means of instruction to the public, or to diminish the breadth, the depth, and the number of those channels by which public and political information is spread through all parts of the kingdom. One point on which I wish to make an observation is the question of finance. I think I saw that the Chancellor of the Exchequer, in answer to a deputation from Edinburgh requiring an advance of money (I am sorry to say these deputations from Edinburgh are not so rare as I could wish them to be), wishing to have some of the public money to support a public institution—a very good one I admit, but which in Manchester we should support ourselves—the Chancellor of the Exchequer, though he did not promise the vote, said he would not have it understood at all that, because we are at war, everything connected with art, science, and public instruction which costs something to the Exchequer, should, therefore, be thrown aside and neglected. He seemed to me to hold out a strong hope that he would consent to the vote.

Even if the Resolution of my right hon. Colleague were different, I think after that we should have reason to press it; but he has not asked the Government to abandon the 400,000*l.* of revenue raised on newspaper stamps. At present it is believed by persons connected with the Post Office that about as many newspapers go through the Post Office as are published in the kingdom. Assume, for argument's sake, that 100,000,000 of papers are published in a year, and that 100,000,000 of papers go annually through the Post Office. Some, however, never go through the Post Office, and some pass through several times. It is supposed, therefore, that the whole number going through is somewhere about the same as the whole number published. If the stamp were abolished and 400,000*l.* of revenue were given up, and a postage duty on every paper entering the Post Office were established as a substitute, the thing to ascertain is what number of newspapers would go through the Post Office as compared with the number now; because if 100,000,000 go through the Post Office then, and no more than 100,000,000 go through now, it is quite clear the Government will have as much money as they do now. I have discussed the question with gentlemen connected with the Post Office, but the point is not easily arrived at. In the correspondence, however, which the hon. Member for Westminster (Sir J. Shelley) has read to the House, we see from every part of the country constant applications whether such and such a paper is liable to the tax or not. That correspondence gives us some idea of the amount of pressure this Board of Inland Revenue brings to bear on the disposition of the people of this country to read—some idea of the number of papers actually strangled by the operation of this tax. Would any one believe that there are no less than seventy-five boroughs returning Members to this House in not one of which is a newspaper published? Such a thing would be totally incredible if related of England in any other country. But for this tax in every one of these boroughs there would be not only one paper, but an opposition paper as well, and half a dozen papers in some of them where there are none now. I do not say this is conclusive, but I put it to Gentlemen on the Treasury bench, who sometimes, perhaps, are amenable to argument. I assume that for every newspaper published in the United Kingdom there would be ten newspapers published if there were no newspaper stamp; and every one who knows the condition of things in our Colonies, and in the United States, knows I am not overstating the case. But if, instead of 100,000,000 of papers published every year, 1,000,000,000 were published, of all sizes, and at all periods, of from one day to a month, is it not fair to assume that one in ten of those newspapers would still pass through the Post Office? In all probability as many would pass through as now pass through, and if a post duty equal to the present stamp were paid by each, is it not quite clear that the sum the Chancellor of the Exchequer would receive would be just equal to what he receives now? I put this to show—first, that we are not asking you to diminish the revenue; and secondly, that we, who have paid more attention, perhaps, than any other men in the kingdom to the subject, see reason to believe that the revenue would not be materially diminished. Parliament seems to have little else to do this Session. All the measures of the Government are either withdrawn or rejected, and I do not see why we might not make the change with vast advantage to the country, and without any sacrifice of revenue which the Chancellor of the Exchequer would at all discover; for the very instant the stamp duty was abolished, the postage revenue would begin to increase, the paper duty would of course increase, and at the same time the enormous facilities it would open for communication between all classes would increase trade and consumption, and other sources of revenue. I am very sorry that the Chancellor of the Exchequer is not here, because I have that opinion of him—I believe the right hon. Gentleman wishes to have taxes fairly levied, and no fair argument on a matter of this sort, I have observed, is ever lost upon him.

Before I conclude, I just want to show hon. Gentlemen on the Treasury bench, not to plait straw, but I want to show them and the House what it is under this law which you tax. [The hon. Member produced a copy of the *Times* and Supplement, divided into single pages, and again joined together, so as to form one long strip of paper, which extended from the second row of seats a considerable distance beyond the feet of hon. Members sitting on the front benches.] That paper is the *Times* with a Supplement, and that pays a penny stamp with every copy. Now, this other is a paper published in the colony of Victoria, the *Melbourne Argus*, about the same size. There is no stamp in the colony of Victoria. The population there is not more than half the population of Manchester and Salford, and yet this paper publishes about 11,000 copies every morning, and the demand is so great compared with the means of printing they possess—because they have not the same admirable machinery as the *Times*—that I saw a notice in a recent nnmber that to all future subscribers the price should be doubled, they should pay threepence instead of three halfpence. I ought to state that the price of the *Times* is fivepence. The price of the *Melbourne Argus* was three halfpence, and was to be doubled to threepence to those who came after the list was filled up. Now, here is the *New York Tribune*, a paper the size of the *Times* without a Supplement, that sells in New York every morning, to the working men of that city, for one penny. It is just as good a newspaper as the *Times*. I do not say all the leading articles are written with the ability of the *Times*, but many of them are. It has private boats coming off to meet every packet from England, miles before they approach the land; it has telegraphic despatches from every part of the Union; it employs correspondents in all the chief cities of Europe; and I have a list of all the persons employed on the staff of that paper, and the House will be perhaps astonished to hear that this paper, which sells for a penny to the artisans of New York, employs a staff not much short of 300 persons. It was also stated, I think, before the Newspaper Stamp Committee, that another paper in New sells only for a halfpenny, the *New York Herald*, the copyright of which sold for not less than 50,000*l.* I will undertake to say the copyright of the *New York Herald* was worth double the copyright of all the newspapers in London, with the exception of the *Times*. There they have free trade, and the press prospers and grows. Here it is crippled and hampered by the fetters of the Board of Inland Revenue. Look, for instance, at the *Daily News*. It is said that 100,000*l.* have been spent on that paper. Look at its circulation—how small—and by the returns, I believe it is even diminishing. Take the *Morning Chronicle*, that writes every day to a still more select audience. Take all the London papers, almost without exception, except the *Times*, and some of the threepenny papers that appeal to a totally different class of customers, and go to less expense that the daily papers, and it is the same. Look at what also you do. Here is an unfortunate paper which was strangled out of its little innocent life in the most remorseless manner, the *Potteries Free Press, or Weekly Narrative of Current Events*, published, as it states, "in conformity with the regulations of the Board of Inland Revenue, which permits the *Athenæum*, *Builder*, *Punch*, and other newspapers to be published without a stamp." Believing it was according to law, this modest little paper obtained a large circulation in the town of Stoke-upon-Trent. If it had not been for the Board of Inland Revenue, it would have sold 10,000 copies every week. Why does it not do it? Why, because of the Act of this House, which is horrified at the ignorance of the people — a House which votes 260,000*l.* every year for education, which appoints public inspectors of schools, and yet this House maintains a law that this little paper shall not prevail among the houses of the industrious artisans of Stoke-upon-Trent, unless it has a stamp of a penny at the corner, which doubles its cost, and, as a matter of course, immensely diminishes, and finally stops, its circulation.

Here is another case even more exasperating, I think, than that—the *West Sussex Advertiser and South Coast Observer*, published by Mr. Mitchell, of Arundel. If those long Cabinet meetings which have recently been held had been devoted to a consideration of Mr. Mitchell's complaint, I think the public would have been much more advantaged. He lives in a district with a population of 100,000 persons, returning nine Members, without a single paper to enlighten one of them. [*Laughter.*] So much the better for the Members, says my hon. Friend. The House does not exist for the sake of the Members, but for the sake of the people. So much the worse for the people, say I; and I do not think Members of Parliament are any the worse because their constituents see a newspaper which sometimes says what they are doing. Look at the size of this newspaper, and compare it with the *Times*. They both pay a penny. The gentleman who published this *West Sussex Advertiser* took care to publish it on the first of every month, and at the end of every fortnight he published another paper under a different name. The law would not allow him to publish a newspaper without a stamp, unless it was on the first of the month, or within two days of the first of the month. The Secretary of the Board of Inland Revenue writes one of those polite notes to this gentleman, telling him that he is all wrong, that he is violating the law, that he has rendered himself liable to certain penalties, and they will only require him to pay 5*l.* and put a red stamp on the corner of each paper. The price of the paper is a penny. The stamp makes it twopence. Where, I ask, can you find an article of food on which the law puts 100 per cent, much less an article like this, which is not merely aliment for the body, but aliment for the mind. This gentleman states that in three little villages forty-one copies of this paper at a penny were sold—three little villages in which three copies of a newspaper had never before been regularly taken in. But the Board said, "Stamp it;" and what was the result? Out of the forty-one persons, thirty-seven discontinued the paper. In an admirable letter which I defy the Chancellor of the Exchequer, or any one else, to read without being convinced of the evil of the law, Mr. Mitchell said a woman came into his shop for a paper, and offered a penny. He said it was twopence, and explained the cause of the increase of price. She said her husband told her she would get it for a penny. He told her she should have that paper for a penny, and perhaps her husband would give twopence afterwards. Neither she nor her husband came again, and he lost that customer. I ask, then, knowing how much we all waste daily in our personal enjoyments, how can any man with 8*s.*, 10*s.*, 12*s.*, or 14*s.* a week, or any sum which is the fair average wages of the great bulk of the population, contrive to purchase a newspaper at all without much closer calculations than we are accustomed to give to our concerns. Here is a man of this kind, labouring all day, earning a moderate amount of wages, anxious to learn something, whether he can get better wages elsewhere, whether it is worth while to emigrate, whether he can turn his hand to anything to earn a trifle more to educate his children, and the law denies him the means of information. If he had his newspaper, would he not ask his children, as we do—have I not done it myself this very day—to read a paragraph, to see how they are going on with their lessons at school? Would it not form a grand family college, at which children would find their power of reading gradually improved and sustained? And then we should not find, when these people came to be married, half of them, or two-thirds, have to sign their names with a cross. I ask the House, apart from all matters of financial consideration, looking at this small paper which I hold in my hand, suitable to small towns and villages, suitable to the capacity and time for reading as well as the pocket of the labouring classes, whether they will consent that the Chancellor of the Exchequer shall permanently place a penny tax on that small paper, and place the same tax on the large sheet of the *Times*. It is contrary to common sense. It is contrary to every principle this House has recognised, and I advise the Attorney General not to expend his legal acuteness in endeavouring to cobble up this law, which he knows he never can work according to the Statute. Let him, and the Solicitor General—not less distinguished for legal ability—let them both persuade the Government that the thing is a blunder; that in the time of Queen Anne, when you had two civil wars within a short period of the passing of that Act, and men in both Houses of Parliament sworn against the reigning dynasty, there might be some excuse for putting down the press, to prevent its exciting the people; though I must observe that it was denounced very much by hon. Gentlemen when that was done in France not long ago; but I assert there is no reason for doing so now. Is there any dispute about the dynasty? Is there any talk of overturning the institutions of the country? In no country in the world are the people more united upon general principles of politics, more disposed to place confidence in the Legislature and in the Crown, and to conduct themselves in obedience to the law, as becomes citizens of a free country.

My hon. Friend the Member for Dumfries (Mr. Ewart) has referred to the Report laid before the House, of gentlemen who went out as a deputation from this country to the New York Exhibition. I have not read all Mr. Wallis's Report, but I have carefully read Mr. Whitworth's. Mr. Whitworth is a very distinguished civil engineer, living at Manchester; and he went out as one of the deputation to New York. I should like to read to the House the paragraph with which he concludes his Report—not a paragraph written for any special object, not written by a politician, for Mr. Whitworth, though a very sound politician, is not so distinguished in that line as in his own profession. This is the concluding paragraph of his Report. He says—

> "It rarely happens that a workman who possesses peculiar skill in his craft is disqualified to take the responsible position of superintendent by the want of education and general knowledge, as is frequently the case in this country. In every State in the Union, and particularly in the north, education is, by means of the common schools, placed within the reach of each individual, and all classes avail themselves of the opportunities afforded. The desire of knowledge so early implanted is greatly increased, while the facilities for diffusing it are amply provided through the instrumentality of an almost universal press. No taxation of any kind has been suffered to interfere with the free development of this powerful agent for promoting the intelligence of the people, and the consequence is, that where the humblest labourer can indulge in the luxury of his daily paper, everybody reads, and thought and intelligence penetrate through the lowest grades of society. The benefits which result from a liberal system of education and a cheap press to the working classes of the United States can hardly be over-estimated in a national point of view; but it is to the co-operation of both that they must undoubtedly be ascribed."

There are many things in Mr. Whitworth's Report which have startled the manufacturers of this country, showing, as he does, that in many trades, especially in certain departments, there is that which threatens, not only to equal, but to excel, anything which exists in this country. Now, bear in mind, we are close to the United States. Every week, what is known here is known there, and what is known there is known here. Every workman there has the same powers as a Member of Congress to read everything published in the public papers. In this country the very opposite takes place. You see in the public-house or beer-shop a newspaper doubled up in the bar window to tempt the working man to come from the street into the house to read it. You deny him the right to have that paper in his own home. You say, "Leave your wife and children—be no longer the husband and the father enjoying the social comforts of your home, but go down the street, and enter some public-house—some place in which they burn a great deal of gas. There you will find a newspaper, which the Government says you shall not have in your own house; and while you are reading that newspaper, and taking in a portion of some Parliamentary speech, you must imbibe a certain, or an uncertain, quantity of gin and water, or of some other equally objectionable mixture." That is the effect of this law; but that is not the state of things in the United States. I have a notion, Sir, of the balance of power, and I referred to it upon a recent occasion. I rejoice at every extension of the power, the greatness, the intelligence, and the industry of the United States. I believe that it will be no loss to us, that is, if we choose to take as wise a course as we may take. But if we distrust our population—if we say that we dare not trust them with political knowledge—if we have no regard for what an intelligent people can do for a free country—if we will not let them have access to the great instrument of knowledge—the greatest of all instruments now existing, and that which we ourselves use freely, then I say that we are hypocrites to the last degree, if we speak, as we sometimes do, of the ignorance and depravity of our countrymen. I know this—from observation among those whom I have myself employed—that if newspapers could be laid before them, which are just as enticing and just as alluring to them as they are to us, they would read them with eagerness, discuss them with fairness, and come to conclusions just as reasonable as those which would be come to by Members of this House. I know, further, that they would abstain from going into the public-house, and would get rid, by reading the newspapers, of some of those false, and mischievous, and evil economical principles, which are, unfortunately, only too apt to be accepted in all countries by all persons whose condition in life is not the most prosperous. I would ask the House, whether, on the ground of finance, not only to accept the Resolution, but to go much further, for I believe the finances of the country would not suffer from the change—whether, on the ground of giving political knowledge to our countrymen—and without political knowledge where would stand the free institutions of the country?—whether, on the ground of common education and of all those high grounds of morality which Parliament cannot overlook—I ask the House to say whether the time has not come when the stamp ought to be abolished as a stamp, and changed into a postage duty? You would thus set free hundreds of newspapers throughout the country in the course of a single year; and by that mode, I believe, would do more for all those objects which we profess to care very much for, both in speeches in this House and in the blue books, than by any other machinery whatever which human ingenuity can contrive or the powers of the Executive Government can enforce.

VISCOUNT PALMERSTON: Sir, I think it is a rule deserving to be followed that when different persons concur on some points and have a difference on others, it is for the mutual advantage of all that they should endeavour to confine their action to those points on which they agree, and avoid, if it be not necessary, entering into collision upon those points on which they differ. Now, Sir, on the general scope of the Resolution proposed by my right hon. Friend (Mr. M. Gibson), I apprehend that the House will have seen from what has passed in this debate that there is no fundamental difference of opinion. It is admitted that the law in question requires to be considered, and that it is a fit subject for revision; but the Resolution of my right hon. Friend contains assertions not bearing necessarily on the points he has in view, and on which a difference of opinion has been stated. My right hon. Friend's Resolution asserts that the law is ill-defined. That is a question of legal opinion on which a difference has been stated, and I apprehend that it is hardly necessary for the purposes of my right hon. Friend to insist upon the assent of Parliament to that statement. The Resolution of my right hon. Friend also asserts that the law has been unequally enforced. Now, in the sense in which, by his speech, he has interpreted that part of the Resolution, the assertion is perfectly true and undeniable. There has been an unequal enforcement of the law, but anybody not cognisant of the details connected with the execution of the law, and who simply reads the Resolution, would infer that the Resolution means to imply that the law has been enforced with partiality, with favour, and with intentional injustice. [Mr. M. GIBSON: No, no!] That I apprehend has been disclaimed. [*Cries of* "Hear, hear!"] Well, but surely that is no good reason for adhering to words which are liable to an interpretation that is not meant. I should therefore submit to my right hon. Friend, that he will accomplish his purpose and render his Resolution free from objections that might be urged to it, if he will so far alter it as to content himself with the assertion, that—"The laws in reference to the periodical press and newspaper stamp demand the early consideration of Parliament, with the view (going further, perhaps, than the right hon. Gentleman) to their revision." I should submit to him that such a Resolution would answer his purpose, and it will not render the Board of Inland Revenue liable to a Parliamentary imputation, which he says he does not wish to inflict, while it steers clear of the debateable question as to whether the law is ill-defined—a matter of legal opinion which I really do not think we are called upon to decide. The speech of the hon. Gentleman who has just sat down (Mr. Bright) was chiefly directed to matters which are not involved in the Resolution, and which indeed my right hon. Friend studiously abstained from entering upon. The hon. Gentleman, following his own opinion, in language often well expressed, has argued at great length for the repeal of the stamp duty. But that is not the object of this Resolution, and my right hon. Friend stated that he did not mean to apply the Resolution to that point, and that it would not be fair to have done so in the absence of the Chancellar of the Exchequer. Therefore I do not enter upon a discussion on that subject; all I say is, that I entirely so far concur with the hon. Gentleman the Member for Manchester that I think it must be an object of desire to everybody, and that it would be a great public advantage, to afford to the lower classes of this country all those means of general instruction that can well be brought within their reach. The abrogation of this peculiar stamp is only a matter of financial consideration, and it can only be maintained as a matter of finance. Undoubtedly everybody will admit, that the larger we open the field of general instruction, the firmer the foundations on which the order, the loyalty, and the good conduct of the lower classes will rest. On that subject I will not enter, as it is brought forward separately and distinctly. The present question refers to the resolutions of my right hon. Friend, and I really ask him, whether he does not think that the Resolution I suggest will perhaps better answer his purpose than that which he has proposed?

MR. MILNER GIBSON: I really, Sir, do not exactly see why there should be this great objection on the part of the Government to the Resolution I have proposed. I well considered that Resolution before I submitted it to the House, and knowing the great adroitness of the noble Lord—I beg his pardon for the expression—and his experience in the conduct of these Parliamentary affairs, I confess that I feel some reluctance to give it up, and to assent to the words which he has suggested to me. If he agrees with what I have said, why not take my Resolution? If he disagrees with what I have said, that seems to me to be a ground for making an appeal to the House. I heard the word "revision." Now, I do not want to bind myself to what is called "revision." My position is this. I complain of certain laws as ill-defined and unequally enforced, and I call upon the Government of the country to take their own course, and to come to us with some mode or other of meeting the evils which I complain of. When they submit their remedy, I shall be prepared to give my opinion either in favour of or against it, but I decline, for one, to be a party to revising this particular law, because I am in favour of the repeal of it. All I ask the House to do now is, not to vote in favour of repeal, but to go so far with me as to say that the law is ill-defined and unequally enforced, and that it is the duty of the Government to submit to the House some plan or other of meeting those evils. I throw the responsibility upon the Government. The noble Lord now asks me to share that responsibility by talking about "revising." My wish, however, is to leave it to the Government to decide whether they will revise or whether they will repeal; and on these grounds I can be no party to the alteration which the noble Lord has proposed.

VISCOUNT PALMERSTON: I wish to ask my right hon. Friend whether I clearly understand that his Resolution as he proposes it is not meant to imply any censure, any accusation of unfairness, or partiality, against the Board of Inland Revenue? If that is clearly understood, I do not think the difference of wording is a matter of any great importance.

MR. MILNER GIBSON: I thought that, in my opening remarks, I had distinctly guarded myself against being misunderstood upon that subject. I bring no charge whatever against the Chairman of the Board of Inland Revenue or his officers, I only attack the system, which I say is calculated to cast unmerited odium upon them.

Previous Question, by leave, *withdrawn.*

Original Question put, and *agreed to.*

CORN AVERAGES (IRELAND).

MR. BLAND, in rising to move for leave to bring in a Bill "for a better and more general mode of taking the average price of Corn and other agricultural produce in Ireland," said, it was his desire to assimilate the law in England and Ireland. In England the averages were collected from 290 market towns, while in Ireland the corn averages, which regulated the rent-charge in lieu of tithes, were collected by an officer from the corn averages of Dublin alone. This officer had no power to enforce returns, and he acted on the voluntary returns of persons who might have an interest one way or the other in affecting the averages. Mr. Ford, one of the officers of the city of Dublin, stated that none of the averages taken in that city were correct. No means existed, as in England, of distinguishing whether the corn, on which the averages were based, was Irish or foreign, and, in 1839–40, when there was a considerable quantity of damaged Irish corn in the market in consequence of a bad harvest, the foreign corn which was imported and sold at a high price was taken into account in the calculation of the averages. He wished by this Bill to assimilate the law of Ireland, with regard to the taking of averages, to that of England, and to appoint Inland Revenue officers, who would confine their returns to Irish corn and other agricultural produce, for the publication of such returns would be useful for statistical purposes.

Sir JOHN YOUNG said, he was of opinion that some Bill of this kind was necessary, and he should have introduced one himself if the hon. Gentleman had not done so. He did not understand how the hon. Gentleman meant to exclude foreign corn from the averages, unless intricate calculations were gone into as to the effect of foreign corn upon the markets, and that portion of the Bill would require serious consideration; but he would now offer no opposition to the introduction of the Bill.

Mr. FRENCH said, he hoped the right hon. Gentleman would notwithstanding lay his Bill on the subject on the table of the House, and that by some means or other the averages would be brought into working order and rendered serviceable to the country.

Mr. THORNELY said, he wished merely to correct an impression of the right hon. Gentleman (Sir J. Young), that the corn averages in England did not exclude foreign importations. He could assure him such was the fact, and that the inspection in all cases had reference only to English produce.

Leave given. Bill *ordered* to be brought in by Mr. Bland, Mr. FitzGerald, and Mr. Francis Scully.

TITHE RENT CHARGE (IRELAND).

Mr. BLAND said, he would now move for leave to bring in a Bill "to provide for the annual variation of Rent Charge in lieu of Tithes in Ireland, with reference to the averages of the then next preceding seven years." His object here, again, was to assimilate the law of Ireland to that of England. The fact was, in Ireland they had no adequate machinery to carry out the intentions of the law, which were thus rendered nugatory. He simply wished to have justice done between the landed proprietors and the clergy, and that the latter should be paid upon the average price of corn for seven years.

Sir GEORGE GOODMAN said, he hoped that the Government would press forward the inquiry as to the means of obtaining statistical information on the subject of agricultural produce throughout the country.

Sir JOHN YOUNG said, he did not object to the introduction of the Bill, but he must observe, with regard to the hon. Gentleman's wish to assimilate the laws of England and Ireland on this subject, that the matter stood upon a very different footing in the two countries, and the measure would require very serious consideration before it could be passed into law.

Mr. V. SCULLY said, that means ought to be taken to secure greater accuracy in the corn averages in Ireland. The present system with respect to tithe rent charges was very defective, and he would recommend that some plan should be adopted similar to one which had been proposed twenty years ago by the present Lord Derby, so as to make those charges redeemable at a certain number of years' purchase.

Mr. FRENCH said, he did not concur in the suggestion of his hon. Friend, for he thought that the difficulties of the question, great as they were, might be overcome if they were properly inquired into.

Mr. G. A. HAMILTON said, he also thought it was possible to meet the difficulties of the case.

Leave given. Bill *ordered* to be brought in by Mr. Bland, Mr. FitzGerald, and Mr. Francis Scully.

MARRIED WOMEN.

Mr. MALINS said, he begged to move for leave to bring in a Bill "to enable Married Women to dispose of Reversionary and other Interests in Personal Estate." This was a question, he considered, of great public importance, in respect to which it was necessary that there should be a material improvement made in the law of the country. The House was aware that the alteration which took place in the law in 1833 was in consequence of the recommendation of the Real Property Commissioners of 1828. By that alteration a great improvement was made in the alienation of real property by married women, by the substitution of a simple deed for the inconvenient and tedious practice that had previously prevailed. But by a singular anomaly in the law a married woman was utterly incompetent to make any alienation of her interest in personal property. A married woman may, for example, have an interest in the sum of 1,000*l.* or 2,000*l.*, which may be payable to her upon the death of a relative; and though the exigencies of herself and her family may make it desirable to have this property made immediately available, yet as the law now stands it was impossible that this advantage could be gained. If the husband make an assignment, it was not binding upon the wife; and if an assignment be made by the wife, she being under coverture, the act could not be recognised in law. If she be desirous of raising money, no person dealing with her could have any security, for if she outlive her husband any deed she may have entered into for the purpose of alienating her property would become void as against her. The fact is, that the present defective state of the law holds out an inducement to a married woman to alienate her interest in personal property, with the idea if she survived her husband of claiming it notwithstanding. Such property was therefore comparatively valueless, so far as making it available to meet the exigencies of the family in the lifetime of the husband. The law says it will protect the married woman against the undue influence of her husband; and it further in effect says that if she outlive her husband it is beneficial for her to disregard what she may have done in the way of alienating her property, and to do that which was dishonest. He (Mr. Malins) thought that he could not do a greater service to all parties concerned than in using his best endeavours to remedy this anomalous state of the law. The law ought either to disable the married woman from dealing with her real estate, or to enable her to deal with her personal estate. He proposed to confer upon a married woman the same power of alienating her personal property; of making it the subject of family settlement; of selling, mortgaging, or of dealing with it in any way she and her husband may think proper, as she now possessed in respect to her real estate. There was one other object which he wished to effect. At present when a married woman came into possession of property, it was the rule of the Court of Chancery that she was entitled to what was called a settlement of equity, which was generally held to amount to one-half of the property. The practice of the Court of Chancery was, that a married woman should appear before a Judge or Master in Chancery, who examined her in private as to her wish to have this settlement made, or whether she waived her right. He (Mr. Malins) had had a good deal of experience in this matter, but he never knew a married woman claim her equity of settlement except in one instance, and that was under a misapprehension. He proposed to provide that, without personal appearance before the Court, which was always expensive, and often inconvenient, a married woman might be at liberty by a simple deed to waive her right to equity of settlement. In order to avoid all these difficulties in the existing law, and to do away with these anomalies, he now asked leave to introduce the Bill.

Mr. LOCKE KING, in seconding the Motion, said, he begged to return the hon. and learned Member his best thanks for bringing this question under the consideration of the House. This was a step in the right direction. He heard with much satisfaction a Motion of this kind coming from the opposite side of the House. He would take this as an earnest of much larger measures of reform, and he hoped he might claim the support of the hon. and learned Gentleman upon a future occasion.

The SOLICITOR GENERAL said, he also must express his satisfaction at seeing this subject brought before the House. The great principle of the law of England was to bring every description of property within one general system of legislation. About thirty years ago a decision took place in the Court of Chancery in respect to this subject, which undoubtedly proceeded upon a mere fallacy. That decision had, however, been repeated by another Judge, and now that view of the law was firmly established. That decision had the effect of declaring that nothing could be done by a married woman in the way of alienating her personal property during coverture which would bind her in the event of her surviving her husband. That, however, was quite at variance with the principle of the law which recognised an analogy and correspondence between the ownership of real and of personal property. He approved of the main objects of the Bill, without binding himself to the details of the measure.

Leave given.

Bill *ordered* to be brought in by Mr. Malins, Mr. George Alexander Hamilton, and Mr. Follett.

PREROGATIVE COURT.

Mr. HUME said, he wished to move for the appointment of a Select Committee to inquire into the state of the Prerogative Court. He had abstained from bringing forward this question till the Report of the Commission, which lately sat on the subject of the Prerogative Courts, was laid on the table of the House; but in that Report the only paragraph which he found in relation to this subject was a statement that the custody of testamentary instruments was most unsatisfactory, and that the great number of places occupied by such deposits rendered it difficult and expensive, and in many instances impracticable, to make those researches which often become necessary. In the appendix, three witnesses spoke of the state of the country deposits for wills, and one of those witnesses, Mr. Trevor, said not one of them was fire-proof. With regard to Doctors' Commons, he had himself examined it yesterday, and the room was so narrow and inconvenient that it was scarcely possible to pass the fifteen or sixteen persons who were there engaged in making references. Besides, the accumulation of wills during the last 300 years was enormous. There was in fact, no room for more; and it was a curious circumstance that the property where they were deposited was leasehold, that the lease expired in 1857, so that if they did not take immediate steps, the property, wills, and all, would fall into the hands of the proprietor. He was anxious, therefore, that they should now inquire where better accommodation could be procured. He would suggest that they should be removed to Somerset House, and placed under the care of Major Graham, the Registrar General of Births, Deaths, and Marriages, whose admirable and carefully prepared statistical information respecting the public health was generally appreciated, and where great convenience would be found from having the wills placed in connection with the registers of mortality.

THE SOLICITOR GENERAL said, that the question was one of paramount importance. It was one that had engaged the attention of successive Governments. He now hoped that we were on the eve of seeing something done to remedy the evil. He only regretted that the Motion had not been so worded as to point to the great convenience of having a place of deposit of wills adjoining that place of great statistical information, which was in immediate connection with the subject of wills, and which was so admirably arranged by the intelligent officer to whom the hon. Member had alluded. If such a plan could be effected it would prove of the greatest possible advantage, not only to the lawyers, but to every class of persons connected with property.

MR. HADFIELD said, he begged to thank the hon. Member for Montrose for bringing forward this subject. By the Testamentary Jurisdiction Bill, which had passed the House of Lords, it was proposed that all wills throughout the country should be deposited in London, and therefore it was high time that inquiry should be made how those wills could be best placed for the purposes both of safety and accessibility.

MR. MALINS said, that the second reading of the Testamentary Jurisdiction Bill was fixed for the 29th instant, and that, among other subjects, that relating to the custody of wills would then come under the consideration of the House. It was extremely inconvenient, therefore, that when a discussion upon that question was about to take place in a few days, the Government should accede to such a proposition as that which had just been made by the hon. Member for Montrose. He might also observe, that for the last two centuries wills were accessible in the most easy and ready manner to all who might wish to see them. In fact, in those cases where the names of the parties and the date at which the will was made were known, the instrument might be procured in ten minutes, at a charge of only 1*s*. A Commission had also investigated the subject, and under those circumstances he trusted the hon. and learned Gentleman the Solicitor General would be induced to pause before he assented to the appointment of the Committee.

MR. HUME, in reply, said that if the hon. and learned Gentleman referred to the Report of the Royal Commissioners, he would find that they had not investigated the subject of the custody of wills. The appointment of the Committee would not interfere with the question he intended to bring upon the Motion of the second reading of the Testamentary Jurisdiction Bill; and under any circumstances, whether that Bill passed or not, it was quite certain that a proper place must speedily be found for the deposit of wills.

Motion *agreed to.*

Select Committee *appointed*—

"to inquire into and report upon the state of the present public registry of the Prerogative Court, used as a Testamentary Office, and whether a better office can be established for the keeping and preservation of Wills.

MILITIA.

Queen's Message [15th May] *considered.*

Resolved, Nemine Contradicente—

"That an humble Address be presented to Her Majesty, to return Her Majesty the humble thanks of this House for Her Most Gracious Message, and to express the just sense we have of Her Majesty's goodness, and of Her care for the security of the Country, manifested by Her Majesty's gracious declaration, that She will call out and embody the whole or such part of the Militia of the United Kingdom as to Her Majesty may appear most expedient."

Ordered—That the said Address be presented to Her Majesty by such Members of this House as are of Her Majesty's Most honourable Privy Council.

MANNING THE NAVY BILL.

Order for Committee read; House in Committee.

Clause 1 *agreed to*.

Clause 2.

SIR GEORGE PECHELL said, he wished to call attention to the several cases in which he considered that the Board of Admiralty had not exercised the powers vested in them to grant rewards for the capture or destruction of pirates. Formerly a sum of 20*l.* a head was allowed for every pirate captured, and 5*l.* a head for every pirate killed; but in the year 1850 the law was amended by a Bill brought in by the right hon. Member for Portsmouth (Sir F. Baring) which empowered the Admiralty, after a judicial decision that the case was one of piracy, to award such rewards as they deemed reasonable to the officers and seamen engaged in the capture and destruction. Several such cases had occurred since 1850, and he must complain that the Admiralty had not in those cases exercised the authority vested in them of awarding compensation. In fact they placed the power in abeyance. This was a hardship and a breach of faith towards the officers and seamen engaged in such transactions; and he asked for some explanation.

SIR JAMES GRAHAM said, that previously to 1850 the law in respect to the bounties in question was in an unsatisfactory condition; but the Act of 1850 had placed them upon a footing which was at once just and regular. No bounty was now paid to the crews serving on board Her Majesty's ships against pirates, unless there was a previous judgment in a court of competent jurisdiction that the parties killed or captured were actually pirates. Such a judgment having been given, power was reserved to the Board of Admiralty to award remuneration according to the circumstances; and since he had been in office the Board had awarded it in two cases, taking into account in both the importance of the service performed and the risk of life. In cases where there was no doubt of the importance of the service the Admiralty had the power of awarding the maximum fixed by the Act. He was not prepared to recommend any alteration in the law as it now stood with respect to bounties; but he thought this question would be best discussed when they arrived at the 11th clause, which had special reference to bounties to be granted on capture of enemies' armed ships or privateers. The Bill, however, did introduce an important change in respect to bounties. At present, when bounty was awarded it was paid to the agents; but Clause 11 said that payment should be made, not to the agent, but to a public officer appointed for the purpose. The reason was, that when bounties were paid to agents they were paid on account of the parties entitled, and there was no power to compel them to account or to hand over the balance. This clause would obviate that evil.

SIR GEORGE PECHELL said, the Act of 1850 clearly intended that bounties should be paid for the capture or destruction of pirates. He had moved for returns of the adjudications under it, but they had not been presented, and he believed no awards had been made.

SIR JAMES GRAHAM said, he had already stated that the present Board of Admiralty had made awards in two cases.

SIR GEORGE PECHELL said, he would ask, then, why the returns were not given? One of the cases of which he complained was that of the *Janus*, which was engaged in the capture of pirates on the Mediterranean coast of Africa. In that case the Admiralty Court had declared that the crew were entitled to reward as for 800 men; but the Board of Admiralty, notwithstanding that award, asserted that the law did not empower them to accede to it. This was the point he wanted to have cleared up; and he would remind the right hon. Baronet that this case was totally distinct from that of the agents to which he had alluded.

SIR JAMES GRAHAM said, he must repeat that the present Admiralty had put the Act of 1850 into force. They had made two awards for the distribution of bounties, both to a considerable amount.

MR. HUME said, he considered the system of bounties for killing men was inhuman. It resulted in a sad slaughter of innocent men; and as there was a higher prize for killing than for capturing, it held out a premium for inhumanity;

Hundreds of thousands of pounds had been paid to reward the slaughter of innocent men. In hundreds of cases men were slain for the sake of the bounty who were not pirates at all. It was an atrocious system, discreditable to the country.

Mr. OTWAY said, that the clause enacted that the Act should come into operation in 1854. The effect of inserting the date 1854 would be, that it would operate retrospectively, and thus materially affect the interests of officers who up to this moment had had the arrangement of prizes. Cases were now in litigation of slavers, the proceeds of which had not yet been realised. If this Bill was passed, these proceeds would be taken out of the hands of the agents who had conducted the case from its commencement, and placed in the hands of some Government officer. The agents, consequently, would be mulcted of their just payment.

Sir JAMES GRAHAM said, the main object of the Bill was one of a prospective character with regard to the war with Russia. Prizes were coming in gradually, and it was necessary that this Bill, or a Bill in the nature of a Prize Bill, should be passed without delay. As regarded agents, it was unnecessary for him to remind the House of the losses occasioned by the failures of such parties. It was decidedly against the interests of the men engaged in the active service of the war that the agency system should be allowed. With regard to the officers, it frequently happened that the agents were very much in advance to them on account of prize money, so much so that it was a matter of indifference to them whether the prizes were distributed or not. But in cases of failure, the loss fell grievously upon the great body of the men. It was, therefore, the duty of the Government to see that precautions should be taken against the evils which existed in the last war; and the Bill had been deliberately framed with the view of securing that the prize money should be fairly distributed to the advantage of the great body of the crew, apart from the case of the officers. The Bill would materially affect the distributable amount of prize. Hitherto agents had received 5 per cent upon the money distributed on account of the men, and a very high percentage on account of the officers. With regard to the men, the percentage would be saved by the distribution being through a public officer, and be added to the distributable proceeds among the whole crew. With respect to the officers, there was nothing to prevent the appointment of agents; and where the majority of a crew, including officers, agreed to appoint a particular agent, the agent would receive 2½ per cent instead of 5 per cent, as during the last war. On the whole, therefore, he did not think the interests of any party had been disregarded by this Bill; and he hoped the Committee would not yield to any representation proceeding from agents, which might lead them to act in a manner inconsistent with the interests of crews.

Sir GEORGE PECHELL said, he had never heard of any deficiency on the part of the Navy agents, and he did not consider the proposed arrangement at all satisfactory.

Sir GEORGE TYLER said, he had never heard of any great defalcation among Navy agents in this country. He knew many of them, and believed them to be an honourable class of men. At all events it was not fair to condemn the whole body for the faults of a few. With regard to the Bill, he thought they had better go on, and take the clauses in the order in which they stood.

Mr. OTWAY said, that the right hon. Baronet at the head of the Admiralty had made the most unfair insinuation that he was the advocate of the Navy agents, and that he, the right hon. Baronet, was the advocate of the officers and seamen. He had no more connection with Navy agents than the right hon. Baronet had. The right hon. Baronet knew that all his (Mr. Otway's) earliest associations were with the Navy. If he had thought that this Bill would act in favour of the officers and seamen, he would have been the last person to have offered any objection to it. The right hon. Baronet assumed that very large sums had been lost by the defalcations of Navy agents in England. [Sir J. Graham: Not in England.] That was the question. If the failures had taken place in the West Indies, what security was there in this Bill that they would not take place again? By whom would prize money in the West Indies be paid? [Sir J. Graham: By the Commissariat.] Since the right hon. Baronet has been so unsparing of his aspersions on private agents, and so much in favour of Commissariat agents, he would refer the right hon. Baronet to a paragraph in a morning paper of the other day, in which the failure of an important functionary of the

Admiralty Court was announced to no less an amount than 66,000*l.* He challenged the right hon. Baronet to prove his assertion that 300,000*l.* or 400,000*l.*, or even anything like 30,000*l.* or 40,000*l.*, had been lost by the failure of Navy agents in this country. There were numerous cases in the late war in which the agents of captors had procured the condemnation of prizes against the opinion of the law officers of the Crown. There was a capture made by the *Lapwing*, in which the energy displayed by the prize agent secured 68,000*l.* to the captors; and the case of the *Samarang*, in which the agent, under like circumstances, had procured the distribution of 13,000*l.* Would the right hon. Baronet say that the interests of the officers and men would be less looked after by their own private agent than by Government officers? No one could suppose that the whole of the business connected with prizes during a long war could be carried on by the present staff of the Admiralty. Within the last fortnight he had made inquiries among a great many officers regarding the proposed alteration, and he had not met with one single officer who approved of it.

ADMIRAL WALCOTT said he thought Navy agents had three great incentives to act in the interest of those who appointed them—first, from the honourable confidence reposed in them; secondly, from the 5 per cent they received upon the net proceeds of the capture; and thirdly, from the conviction that the conscientious discharge of their duties would lead to the extension of their business. He believed the Bill would not meet with that success which its promoters calculated upon.

SIR JAMES GRAHAM said, he thought that it would be more convenient to proceed as the hon. and gallant Member (Sir G. Tyler) had suggested with the clauses as they stood. But after the speech of the hon. Member for Stafford (Mr. Otway), he must refer to one or two points. He had not stated that the loss sustained had been from the failure of Navy agents in this country, but from the failure of Navy agents generally. He would not mention any names, but he held in his hand a list of cases showing the losses sustained by failures of agents from 1812 to the end of the war. One of these was an agent in the West Indies, who failed to the amount of 33,000*l.*, of which not more than 19,000*l.* was recovered; another for 21,000*l.*, of which not more than 10,000*l.* was recovered. Another was the case of a London agent to the amount of 24,000*l.*, of which not more than 12,000*l.* was recovered; another in Jamaica to the amount of 115,000*l.*, of which not more than 70,000*l.* had been recovered. The last case was that of a London agent, in 1844, to the amount of 6,000*l.*, of which not more than 2,300*l.* was recovered. During the war great failures took place, and heavy losses were sustained. With respect to abuses in the Admiralty Court, when he was at the Admiralty in 1830, all the offices were regulated, and all the appointments placed under the control of the Judge of the Admiralty Court; and when the Committee recalled the name of the present holder of that office, Sir Stephen Lushington, they would not doubt that any offenders would be brought to a summary and strict account. With respect to the failure of the Registrar of that Court, alluded to by the hon. Member for Stafford, no securities had been taken on his appointment, but ample precaution and security had been taken in the appointment recently made. Under the old system the Registrar of the Admiralty, for a certain period after the condemnation of the prize, kept the proceeds under his control; but by this Bill the money, immediately on being realised, would be paid into the public account. It had been asked where the seamen would go for their money. They would have to go to the Paymaster General or to the Accountant of the Navy. The money would be paid into the public account, and the public would be responsible. With respect to insurances on prizes, that point had not been overlooked, and directions had been given that the prizes should be insured. The hon. Member had assumed that no private Navy agents would in future be employed, but that was not the case. If the majority of the captors thought that their interests would best be consulted by their appointing agents, there was nothing in the Bill to prevent them doing so. The agent's commission was fixed at 2½ per cent, with an addition of 3 per cent on the private share of the captain, so that it could not be said that the interest of agents had been much neglected.

Clause *agreed to*, as was also Clause 3.

Clause 4.

CAPTAIN SCOBELL said, he would remind the Committee that in the course of last Session he had endeavoured to introduce amendments which would have the effect of encouraging the entry of men into the Navy. If anything would induce men to enter Her Majesty's service, it would be the holding out of an encouragement in the shape of bounty. The right hon. Gentleman (Sir J. Graham) had stated that it would require a sum of 200,000*l.* to give a bounty to men entering the naval service. He denied, however, that it would amount to anything like that, as he would not give the bounty to any but able seamen, and half the money would be amply sufficient. But a better plan still would be to give the men a pound a year for every year they would enter for, and that would enable them to put the ships to sea and have them employed actively much sooner. A pound a year would only be three farthings per day, and he was sure the services of able seamen were well worth that sum. He objected to the arrangements made in the Bill with regard to the division of prize money, which did not award a fair proportion to the leading and able seamen.

Sir JAMES GRAHAM said, the arrangements now made for the distribution of prize money were in strict accordance with the recommendations of the Navy Committee. As regarded the question of bounty, he would observe that the prize money to which the seamen were now entitled would be a bounty in the most legitimate sense, inasmuch as it would be paid by the enemy instead of by this country. If the scale was compared with that which existed at the beginning of the last war, in 1793, it would be found that the seamen and petty officers received a much larger sum now than then, and that at the expense of the flag officers and captains. He hoped that explanation would satisfy the Committee that the interests of the seamen were not neglected by the present Board of Admiralty.

Clause *agreed to;* as were also Clauses 5 to 23 inclusive.

Clause 24.

Mr. OTWAY said, he hoped the right hon. Baronet would agree to report progress, as he had a long Amendment to propose on this Clause.

Sir JAMES GRAHAM hoped the hon. Member would not obstruct the progress of the Bill by his proposition to report progress.

Mr. OTWAY said, his Amendment had reference to the payment of prize money into the hands of the Government accountant. Now, after what had been said about the untrustworthy character of many Government officers, he hoped precautions would be taken to prevent any objectionable appointment to the post of Government accountant. If the money stood in the joint names of the Paymaster General and the agent of the captors, and was paid by them into the Bank of England, nothing could be more secure or satisfactory than such an arrangement. He hoped the right hon. Baronet would assent to his proposition.

Sir JAMES GRAHAM said he must object to the Amendment, because it was totally opposed to the principle on which the Bill was founded.

Clause *agreed to;* as also were Clauses 25 to 33 inclusive. Clause 34 omitted. Clauses 35 to 40 *agreed to.* Clause 41 was postponed. Clauses 42 to 58 *agreed to;* Clause 59 *withdrawn;* remaining Clauses *agreed to.*

House resumed; Bill *reported;* as amended, to be considered to-morrow.

The House adjourned at half after One o'clock.

HOUSE OF COMMONS,

Wednesday, May 17, 1854.

Minutes.] Public Bills.—1° Agricultural Averages (Ireland); Married Women; Tithe Rent Charge (Ireland).
2° Episcopal and Capitular Estates; Drainage of Lands.

REGISTRATION OF BILLS OF SALE BILL.

Order for Committee read.

Mr. MULLINGS said, that the object of this Bill was to protect the fair trader against the fraudulent preference, by which, when pressure came and they could no longer meet their engagements, debtors were in the habit of transferring to particular and favourite creditors the goods and chattels, on the strength of which they had obtained credit, those goods and chattels remaining in possession of the party up to the time when his going on was hopeless; and a bill of sale, carefully concealed from the world up to the last moment, being then put in force, by which the goods and chattels were withdrawn from equal distribution among the creditors generally. The Bill would compel persons, who might hereafter take bills of sale, to register them within twenty-one days from the date of execution, in the same manner as persons were now obliged to do in the case of judgments or warrants of attorney. The Bill had come down from the House of Lords, into which it had been introduced at the instance of a trade protection society in the north of England. In its operation the Bill was limited to persons engaged in trade and liable to the bankrupt law. When the Bill was placed in his hands, he objected to its limitation to traders; but he waved his objection on being informed that the Government did not wish to go further at present. Although the measure had received much consideration in another place, he feared that when the House came to deal with the question of registration, it would be found extremely difficult to carry that principle into effect without inflicting grievous injury upon persons engaged in trade. Gentlemen connected with Liverpool and other towns in the north had represented that, in the case of a person who might give a bill of sale on goods in bond for a temporary advance, the knowledge of the fact would prove ruinous to the borrower because it would be the means of blasting his character. Anxious to avoid this evil, he had consulted with the Solicitor General on the subject, and he concurred with that hon. and learned Gentleman in thinking that it would be difficult to exclude the class of cases in question without opening the door to frauds in other cases. All he wished the House to do now was to allow the Bill to pass through Committee *pro formâ*, in order that the numerous Amendments which he and others intended to propose might be embodied in the measure and printed.

Mr. PHINN said, that the Bill would unquestionably promote the object of encouraging legitimate transactions, by giving protection to the fair trader and providing checks on fraudulent dealing. He therefore trusted that the House would consent to give a greater extension to the measure than it now possessed, in order to avoid having two codes of law on this subject—one for persons engaged in trade, and another for those who were not. With that view he had given notice of an Amendment, which he should move at the proper season, for extending the Bill to those who did not come within the scope of the bankrupt law.

Mr. G. BUTT said, he would be happy to contribute towards preventing needless litigation, but he hoped care would be taken that this Bill should not fetter the fair transactions of trade. The Amendment proposed by the hon. and learned Member for Bath would be a very important extension of the measure, and would require great consideration. If they applied this principle to mortgages or sales of personal property, it would be exceedingly difficult not to apply it to mortgages on real property.

The SOLICITOR GENERAL said, he thought the measure calculated for the exigencies of a large class of society, but no legislative Acts required greater care or caution than the category to which this belonged, as otherwise most injurious and mischievous impediments might be interposed to the course of commercial transactions. If this principle were applied to personal property, it did not follow that it must be extended to real property. He agreed that the mischief arising from transactions of a fraudulent kind was more extensive, and required more to be guarded against, in the case of the non-trader than in that of the trader. He hoped the hon. Member for Cirencester (Mr. Mullings), to whom they were greatly indebted for the attention he had bestowed on this subject, would succeed in making the Bill completely useful and effective.

Mr. HORSFALL said, he was glad to find that the bearing of the Bill on ordinary mercantile transactions was likely to obtain due consideration, and he confidently relied on the exertions of the hon. Member for Cirencester and the hon. and learned Solicitor General, to render the measure an unalloyed advantage to the commercial community.

Mr. BOUVERIE hoped that due provision would be made respecting fees, so that the officers of the courts might be adequately remunerated for their trouble, without receiving more than they were properly entitled to.

Mr. GROGAN said, he considered that the benefit of the measure should be made to extend to all parts of the United Kingdom.

Mr. HADFIELD said, he cordially approved of the Bill, and he was extremely glad that the hon. and learned Member for Bath (Mr. Phinn) had proposed to introduce a clause to do away with the distinction between traders and non-traders. He considered that the Bill would be of great beneficial consequence to the country.

Mr. MALINS said, he highly approved of the principle of the Bill. Persons were in the habit of obtaining credit upon the supposition that they possessed valuable property in the shape of furniture and stock in trade, but, when the creditor had obtained judgment and the officer came to levy execution, it oftentimes turned out that the debtor had given a bill of sale of all he possessed. As the Bill at present stood it applied only to traders, but, if the practice of giving these bills was dishonest in traders, he knew not why it was not equally dishonest in non-traders; he therefore very much approved of the Amendment which his hon. and learned Friend the Member for Bath intended to introduce.

The House then went into Committee. The Bill was considered *pro formâ*. House resumed. Bill *reported;* to be *printed* as amended.

BURGH BOUNDARIES (SCOTLAND) BILL.

Order for Second Reading read.

Mr. BOUVERIE said, he would now beg to move that this Bill be read a second time. There were seventy-six Parliamentary burghs in Scotland, sixty-three of which were Royal burghs. The boundaries of these sixty-three burghs were fixed by prescription. The Parliamentary Reform Act altered the boundaries of the Royal burghs. Portions of the ancient territory of the burghs were excluded, and other portions of territory, not hitherto belonging to the Royal burghs, were included in the new Parliamentary boroughs. Such was the effect of the Reform Bill. In the year following the Parliamentary Reform Act the Municipal Reform Act was passed, which gave certain rights to persons living within the Parliamentary boroughs. The result, therefore, was this, that the residents within that portion of the ancient burghs which was excluded from the Parliamentary boroughs were deprived of their votes for Members of Parliament, though they still remained subject to the rates and taxes of the ancient burghs. He proposed to remedy that grievance by giving to such persons a vote, which they did not at present possess. In respect to those persons living in that portion of the Parliamentary borough which had not formerly belonged to the ancient burghs, and who therefore had no right to vote at the election of magistrates acting within the boundaries of the ancient Royalties, although by subsequent Scotch legislation they had been made liable to various local charges for the support and government of gaols, the payment of the police, and other things—he proposed to give them also a vote in the management of the boroughs to which they had been attached.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

The LORD ADVOCATE said, he admitted that his hon. Friend's object was a very desirable one, and that there were a great many anomalies in the existing state of things which his Bill was intended to cure; but it was altogether impracticable to carry a measure of this kind out, the difficulties in the way of it being absolutely insuperable. Since his hon. Friend brought in a similar Bill last year, and which he afterwards withdrew, he (the Lord Advocate) had made many inquiries into the subject, the result of which was, that he found in almost every instance that each individual burgh would claim to be exempted from the operation of a general Bill like the present. He, therefore, felt it his duty to oppose the second reading, because he did not believe that there was a single burgh in Scotland that wished the Bill to pass in the state it now was. Under these circumstances, while giving his hon. Friend all credit for the attempt he had made, he having made before a similar attempt, but entirely failed, he would urge him not to press the Bill to a second reading. At all events, he (the Lord Advocate) was obliged to move that the Biil be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. BOUVERIE said, he felt it would be useless for him to press the Bill on the consideration of the House, after what had fallen from his right hon. and learned Friend the Lord Advocate. He would therefore not divide the House on the Motion for the second reading, merely remarking to his right hon. and learned Friend that "where there was a will there was a way."

Mr. DRUMMOND said, he considered that the grievance complained of by these boroughs was of their own creating. The real English of the story was this—that, in order to serve their own party purposes, the ascendant party at the time of the Reform Bill broke through the old boundaries of the boroughs and extended the new boundaries into districts which best served their political friends, and now they were feeling the inconvenience of their own contrivances. As this, however, was a little Whig quarrel, the House had better leave it to the two hon. Gentlemen themselves to settle.

MR. KINNAIRD said, he must deny that the statement of the hon. Member was correct. He should support the Bill, which, if not now carried, he hoped would be brought forward again at a future day.

Question, "That the word 'now,' stand part of the Question," put, and *negatived.*

Words *added:* — Main Question, as amended, put, and *agreed to.*

Bill *put off* for six months.

EPISCOPAL AND CAPITULAR ESTATES BILL — ADJOURNED DEBATE (SECOND NIGHT).

Order read for resuming adjourned Debate on Question [29th March], "That the Bill be now read a second time;" and which Amendment was to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question again proposed, "That the word 'now' stand part of the Question."

Debate *resumed.*

LORD ADOLPHUS VANE said, it was with considerable embarrassment that he rose to oppose the second reading of this Bill, but he could not help expressing his surprise that there should be no leading Member of the Government present on the discussion of so important a measure. The same absence of Ministers was noticeable on a former occasion, though he certainly should have thought it due not only to the position of the noble Lord, his noble relative (Marquess of Blandford), who brought forward the Bill, but to the importance of the subject itself, that some one of Her Majesty's Ministers should have come down to attend its second reading. Under these circumstances he thought he should be justified in moving that the debate be now adjourned. With a measure involving so many millions of Church property, it was not right to proceed without the attendance of Her Majesty's Ministers. If he had at any time entertained a doubt as to the course he ought to pursue on this question, the speech of the hon. Member for the Tower Hamlets (Sir W. Clay) would have entirely persuaded him to vote against the Bill, but for very different reasons than those which were assigned by that hon. Gentleman. The hon. Baronet had said that he sympathised with the noble Lord the mover of the Bill, and that he only objected to the Bill because it did not go far enough. The hon. Baronet objected to the provision of the present law, by which it was enacted that the surplus funds of the Church should be expended in a manner the most conducive to the efficiency of the Established Church. The hon. Baronet objected to the words "Established Church;" he wished the surplus fund to be applied to the benefit of the dissenting part of the community. When the present Bill was opposed only on such grounds, it ought to make its mover pause and consider whether the day might not come when it would be proposed to appropriate the surplus funds of the Church to very different, if not to merely secular purposes, and whether this Bill would not facilitate such an issue. Even in his short experience, he had witnessed an Act which was calculated to confirm his most serious apprehensions—he meant the Canada Reserves Bill. That measure had been attended with this peculiarity—that when the right hon. Gentleman the Chancellor of the Exchequer supported it, he assured the House that the property would be devoted entirely to religious purposes; but the hon. Gentleman (Mr. Peel) the Under Secretary for the Colonies told the House that there was every probability that these funds would be devoted to secular objects. These things gave him reason to apprehend that if the House sanctioned the principle of the Bill of his noble relative, and removed the management of Church property entirely out of the hands of the Church, and if, though holding the fee simple in their hands, the Church should have the entire control taken from them, a day would come when a Motion would be made in the House of Commons to devote the Church property to secular purposes altogether. Reflecting on what were the opinions of those who gave their support to this measure—among whom were to be numbered the hon. Member for Southwark (Mr. Pellatt), and, on a former occasion, the hon. Member for Cockermouth (Mr. Aglionby) —the former of whom was a warm advocate for the separation of Church and State; and the latter an advocate for the exclusion of bishops from the House of Lords and for the abolition of tithes; he really thought that the noble Lord, the mover of this Bill, should pause before he enforced its second reading, and seriously consider whether it was a measure calculated to benefit the Established Church. What, too, were the views of the hon. Member for Montrose (Mr. Hume) in regard to this Bill? When it was under discussion in 1853, that hon. Gentleman, though he stated he was a warm friend of the Church and was willing to go with the noble Lord who introduced it, said that still he considered the question to arise whether one-half of the money taken from the purposes of religion might not be applied to the purpose of giving a good secular education to the people. These different views confirmed him in the opinion that the carrying of the second reading of the Bill would be attended with great danger to the Church. It appeared to him that the Church itself must be the best judge of what was most beneficial for its own interest. He might remind the House that a petition had been presented from the dean and canons of Norwich, stating that the Bill would operate most injuriously for their interests and those of the Church at large, by depriving them of the rightful management of their own property, and severing the union which had existed between the ecclesiastical and the landed interests from time immemorial. Petitions to the same effect had also been presented from the dean and chapter of Exeter, the dean and chapter of Canterbury, the dean and chapter of Bath and Wells, and the dean and chapter of Westminster. There was another reason why the Bill ought not to be pressed at the present time to a second reading. At this moment there was a Commission sitting, of which the noble Lord (the Marquess of Blandford) was a member, on this and kindred subjects; and until that Commission made its Report, he thought it would be unwise to proceed further with the measure. He would quote a short extract from a publication entitled to great respect—the *Edinburgh Review*—which, upon another branch of this subject, entirely expressed his opinions. In its number for January, 1853, it observed—

> "And here we would urge very strongly the claim of justice which such encumbrances, in the gift of the cathedral bodies, may advance to be considered first, before the funds derived from the improved cathedral property are scattered over the whole kingdom. The Ecclesiastical Commissioners have acted wisely in pledging themselves, when tithes fall into their hands, to consider before all other claims the wants of the parishes from which the tithes arise. They will act still more wisely, and greatly conciliate the good feeling towards the cathedrals, if they bind themselves in all cases, not of tithes only, but of other property also, to consider the wants of the parishes in the cathedral towns connected with the cathedrals before appropriating the surplus to the general fund."

That was in entire accordance with his own opinion, and he hoped the noble Lord the mover of the Bill, as a sincere Church reformer, would pay some attention to what it suggested, and would consider whether the wants of one diocese were properly provided for before he consented to appropriate any portion of its revenues to supply the necessities of another. There was another point to which he wished to refer. On a former occasion, in answer to a question put by him, the noble Lord the Member for the City of London (Lord J. Russell) said that it was the intention of Government to bring in a Bill with regard to Church leaseholds, but that it would not be introduced before the resumption of the present debate. But, to his astonishment, a Bill on that very subject had been brought in by the Lord President in the House of Lords, had been read a second time, and was ordered to be committed last night. This was taking the leaseholders of Church property by surprise. As not a single Member of the Government was present to announce either their individual opinions, or the general views of the Administration with respect to this important question, none of them being in the House except the two hard-worked Gentlemen now seated on the Treasury bench (Lord Mulgrave and Mr. G. Berkeley), he should move that the debate be now adjourned.

MR. G. BUTT, in seconding the Motion, said that he entirely approved the principle of the Bill before the House, but he wished to point out to the noble Lord, whose attention had been given with so much care to this important question, that in the present state of the House it would be impossible for him to do any good by proceeding with the debate. On the 29th of March, when the matter had been brought under the attention of the House, one or two Ministers were present, and one of them had spoken of the principle of the Bill as one in which everybody who wished to promote the usefulness of the Church and the well-being of the country must feel interested, and had suggested the postponement of the debate. The debate had accordingly been postponed, and now the only two representatives of the Government who were present were the two hon. Gentlemen opposite. He thought that a Bill the principle of which was so important as that of the present Bill could not be discussed with practical advantage without the presence of some influential Minister, who might declare whether it would be sanctioned or opposed by the Government; nor was it fair to the noble Lord (the Marquess of Blandford), after all his exertions in the matter, that he should be compelled to proceed with the debate, when he must feel certain that it could lead to no practical result. It had been said on a former occasion that it would be an infringement of the rights of the Church to deprive or relieve the bishops of the care or the management of the property of their sees; but, as it appeared to him, it would in no way lessen the usefulness of those dignitaries if they were relieved from that burden, nor was there precedent wanting for taking such a course. Acts of Parliament had been passed which had fixed the amount of the emolument that was to be paid to bishops, who were not to interfere or take an interest in the manner in which the property of their sees was managed, and he could not for the life of him understand how the usefulness of a bishop, who had now so much more care to exercise with regard to his diocese—such a much larger population to attend to, and so many more sacred duties to perform—could be affected by the estates of his see being placed in the hands of one who would administer them with care, so long as he received that full emolument which every one who took an interest in the Church must desire that he should receive for the discharge of his high and important duties. He could not understand how any great interest could be infringed, or how the interest of the Church could be affected by this measure, the object of which was to make the revenues of the Church as applicable as possible to the great purposes for which they were originally intended; and he could not imagine a more effective mode of doing this than by placing the management of its estates in other hands than those of the bishops. He therefore entirely approved the principle of the Bill. It had been said that the surplus of whatever might be left, after payment of the necessary charges of the Church, ought to be applied to secular purposes, but he had no fear upon that point, for he did not believe, considering the great necessity that existed for the erection and endowment of additional churches, that any of the property of the Church would be so appropriated, or that the House would permit such an act of spoliation, although it might be recommended by hon. Gentlemen who entertained different political opinions. He would suggest to the noble Lord, therefore, as it was utterly hopeless that any good could result from the discussion of the Bill that day, the Government having, unfortunately, entirely absented themselves, that it would be expedient to accede to the Motion for adjournment, which he supported, although for reasons very different from those of the noble Lord who had moved it.

Motion made and Question proposed, "That the debate be now adjourned."

Mr. GRENVILLE BERKELEY said, he could assure the House that the absence of the leading Members of the Government was not owing to any want of courtesy towards the House, but to the extreme press of public business. The noble Lord the Secretary for the Home Department would, he believed, be in the House immediately; he therefore hoped the debate would not be adjourned.

Mr. DRUMMOND said, he could not see much difference between those who declared their intention of utterly destroying the Church root and branch, and those who, by what they called "reform," endeavoured totally to pervert its original institutions, by destroying that which was the very essential of our Episcopal Church. The intention of the supporters of this measure seemed to be, instead of amending an institution which had been ill-administered by devising new machinery to prevent the same abuses from occurring again, to destroy the institution itself. There was no doubt that the bishops, canons, and prebends of the cathedrals did not do, and had not done for many years, the duty for which they were instituted, and the noble Lord's remedy was by the Bill utterly to destroy the cathedral establishments, and to turn every cathedral into a parish church. Now, the cathedral was an essential part of an Episcopal Church—*ubi episcopus, ibi ecclesia;* parish churches were nothing but chapels of ease for the accommodation of those who lived too far from the cathedrals. The true reform would have been to increase gradually, as the population increased, the number of bishops—every town containing 10,000 inhabitants ought to have had a bishop. Of course, hon. Gentlemen who were not Episcopalians would be of a different opinion. He was not speaking to them, but to Episcopalians. The Church of England was being destroyed, not by the opponents of episcopacy, not by Dissenters, not by Roman Catholics, but by its own members. A mass of secular employment had now been laid upon the bishops. The Bishop of London, for instance, if he were not a man of Herculean body as well as Herculean mind, must long ago have been killed by the labours he had to undergo. In this town alone there ought to be at least seven bishops; and, because they would not do what they ought to do, he rejoiced that another bishop had been appointed by another Church. It was their own fault; and would they be like the dog in the manger—neither do their duty themselves nor let any one else do it? Their reform ought to compel the bishops and clergy to do the duty for which they were appointed. When they were first appointed service was going on in these cathedrals from morning till evening, and they ought to be compelled to perform it now, instead of permitting what was called the "month's residence." If they had always resided as they ought to have done, we need not have thrown away the sums of money we had spent in building churches, and the clergy would not have been allowed for their own convenience to lump four services—the morning service, the Litany, the Holy Communion, and the sermon—together. This was what you had done, and this was what you called "Church reform." He wondered that some hon. Gentlemen—particularly many whom he saw opposite, whose names were appended to an extraordinary document that he held in his hand—had not told us whether they really and truly had got a Church or not? what it was that they meant by the "Church of England?" He would tell them what he meant by a Church. He meant an institution ordained by God for the due administration of the sacrament. They had had a declaration from an ecclesiastical head of the Church that it did not signify one straw whether a priest of that Church believed in the sacrament or not, and that in either case he was equally a good priest. One felt naturally a good deal of surprise at such a declaration, and one, therefore, applied to the spiritual head of the Church; but he said, "I know nothing about the matter; go and read your Bible." He should like to know if, on any dispute arising between himself and another person, they were to go before a Judge to have it settled, what would be thought of a Judge who said to them—"You are as intelligent men as I am; you can read the Statute-book as well as I can; and therefore I shall not interfere." But, as if this was not enough, not long ago there had been an ordination of priests, and it was part of that ceremony for the bishop to put the Prayer Book into the hands of the person ordained, in which he was desired to give absolution, but immediately after this had been done, up jumped the same bishop, and declared that there was no such thing in the Church of England as the power of granting absolution or the remission of sins. Not many years ago a young relation of his had gone to another diocese to be ordained, and he asked him on his return how he got on—what the bishop had said to him? The reply was, that after he had been ordained he was told there was nothing in ordination, and he said it was a pity he had not been told so before, as he might then have saved himself the trouble of going the distance he had done. The document to which he had referred as containing the names of several Members of that House was a petition which had been presented to the Queen, begging her to take care that the sacramental system, as it was called, in the Church of England was done away with. The petitioners said that one place was not to be considered more holy than another place, nor one person more holy than another person—that was to say, that the parish clerk, or any old woman in a place, might read the Litany and administer the sacrament just as well as the minister. Yet this document had been signed by fifty Members of that House and by forty Peers. What, then, was the Church of England? Was there any meaning at all in this document? Such a document did exist. [Mr. SPOONER: Hear, hear.] It was not a joke, as the hon. Gentleman opposite (Mr. Spooner) seemed to imagine. This Bill was a Bill to destroy the whole temporalities of the cathedrals, so far as diverting them from the intentions of their original donors was a destruction of them; and when they had once been so diverted, he did not see how we could stop. In the present case he objected that any portion of the temporalities of the Church should go to the landlords who paid tithes. If one-tenth were to be taken, let the State take it. He would not sanction the appropriation by the landlords. But if they were to go on in this way, the only Church which would come to be recognised—and let them not be surprised that men who were prepared to go into more important things than the payment of money, should take that course —was the Roman Catholic; for men would become Roman Catholic, there being no other Church in this country.

Mr. HADFIELD said, that questions as to the disposal of Church property occupied a great deal of the time of the House, but he wanted to know what had been done by means of that property in the way of evangelising the country? Without it, nay, in spite of it, the voluntary efforts of the Christian people of this country had done more for the religious instruction of the population, than the Church Establishment, with all its wealth and its powerful influence. The Church itself was learning to act upon the principle of the voluntaries, for they had erected during the last twenty years, without the assistance of the State, no fewer than 2,000 churches, at an expense of 5,500,000*l.* The great bane of the Church, and the great hindrance to its usefulness, was its property; and it was his decided opinion that the interests of Christianity, and even of those who advocated religious establishments, would prosper infinitely more if that property were resumed. When it was stated that at Oxford only two weeks' instruction were required for the purpose of forming the character of a clergyman of any rank or degree, from the highest to the lowest, the House would surely be of opinion that the subject was one that demanded the most serious attention of all parties. He hoped the House would apply the property to a more useful purpose than the noble Lord (the Marquess of Blandford) proposed to do, and would remove, for instance, that constant bone of contention, the church rates. He should support the Motion for adjournment.

Mr. SPOONER said, he rose, in consequence of the allusion which had been made to him by the hon. Member for West Surrey (Mr. Drummond), to explain the character of the document which had been signed by him as well as by several noblemen and gentlemen, and which had been received with approbation by our Most Gracious Sovereign. The document was drawn up immediately after the Papal Aggression, and, after reciting that aggression, it humbly entreated Her Majesty to direct the attention of the primates and bishops of the Church to the necessity of using all lawful means to remove the evil effects of false doctrine with regard to matters of internal discipline and observance, one of which was the manner in which what was called the sacramental system was sometimes carried out by the veneration displayed for the chancels of churches, and, in some instances, by their separation from the body of the church by means of a Popish rood screen, tapestry, &c., and, in connection with that system, the custom of the priest turning his face towards the altar, away from the congregation. He put it to the House, whether there was the slightest ground to justify the extraordinary view the hon. Gentleman had taken with regard to this document. The then Home Secretary (Sir G. Grey), in returning an answer to the Address on the part of Her Gracious Majesty, inclosed a copy of a letter which had been forwarded to the Archbishop of Canterbury, in accordance with the prayer of the petition, requesting him to communicate on the subject with the Archbishop of York and the bishops of his diocese. He thought he had now set himself right with the House with regard to this matter, and he would conclude by suggesting that, as the noble Lord the Member for London and the noble Lord the Home Secretary were now in the House, the Motion for the adjournment of the debate should be withdrawn. He would then, according to what might be stated by the noble Lord opposite, be prepared to give his opinion upon the measure itself.

Mr. WALPOLE said that, before either of the noble Lords opposite expressed their opinions upon the question of adjournment, he wished to put it to the Government whether, on the whole, it would not be the best course to agree to that Motion. The noble Lords would bear in mind that the Bill had been already once before the House, and that it involved a most important question as to the future management of the ecclesiastical establishments of this country—a question which ought, in his opinion, to be undertaken by the Government and not by a private Member. For that reason he should press upon them the question of adjournment. He should also do so for another reason. He knew the anxiety which his noble Friend (the Marquess of Blandford) had always entertained upon this subject; he knew the pains which he had taken to mould this measure so that it should prove a benefit to the Church; and he knew that no person was more anxious for the welfare of the Church than his noble Friend. It would therefore be with pain and regret that he should find himself forced to take the course of dividing against him upon any measure affecting the Church, unless he felt constrained by his sense of public duty so to do. If his noble Friend would agree to the Motion for adjournment, there would be no necessity for taking such a course—no necessity for appearing to thwart him in his object of improving the ecclesiastical establishments of the country; the House would not commit itself to the principle of a Bill which, as it stood, was objectionable, although it was capable of amendment, and the Government would be left free to inform the House what course they would think it most desirable to pursue. The main object of the Bill was to put into the hands of the Ecclesiastical Estates Commissioners the management of the episcopal and capitular property of the country; and, in doing that, it purported to reserve the entire fee-simple of the estates in the hands of the bishop and the cathedral chapters, leaving to those dignitaries of the Church entire leisure for the performance of their spiritual duties. While it effected this, however, it would sever entirely from the Church its ecclesiastical property, whether in the hands of a bishop or a cathedral and collegiate estate, and would place it entirely under the control of three Commissioners, two of whom were appointed by the Government of the day. If the House would take the trouble to compare the 4th, 16th, and 30th clauses of the Bill, it would be seen that the two latter militated completely against the principle which his noble Friend had intended to reserve by the 4th section. But that was not all. The Bill purported to preserve to bishops and to the members of capitular and collegiate establishments the right of claiming the fixed incomes which they were to receive, by means of distress and re-entry in case those fixed incomes should fall into arrear; but by a subsequent clause that security was entirely taken away, for if the property were sold and disposed of, there would be no property upon which the power of re-entry could operate. The principle of the Bill, therefore, which was intended to be proposed was not the principle which was actually contained in the measure before the House; but it severed the Church altogether from the land, so as to leave in a precarious state the incomes which the members of the Church were to receive, and which in the end, if not taken away from them, might be very different from those which were secured to them so long as they held the property themselves. If Parliament now gave by this Bill a fixed income in money to the bishops, and placed the property of the Church in the hands of the Estates Commissioners, they would not be allowing for the alteration in the value of money which might take place in future periods; and, though they intended to give to the heads of the Church an income equivalent to that which was enjoyed by the heads of other professions, they would by this Bill, as time passed on, defeat their own object, and there would be no means of remedying the inequality. He was far from saying that he would not assent to the proposition that it was advisable to relieve the heads of the Church from as much of temporal duty and anxiety as possible, but, as the present Bill was framed, he could not, for the reasons which he had assigned, assent to it. There was another reason, also, for postponement, which he thought was irresistible. The Bill related not merely to episcopal, but also to capitular property, and it transferred the latter to the common fund, anticipating the mode in which it was to be applied hereafter. The Cathedral Commission, however, which had been appointed in 1852 for the purpose of inquiring into the state and condition of the collegiate churches in England and Wales, had not yet made their Report; and if the House now legislated upon this subject, and transferred what was called the surplus cathedral and collegiate property to the Estates Commissioners, and blended it into one fund, they would deprive Parliament of the power of considering, when the Report appeared, the important question as to how far they might dispose of that property in a much more beneficial manner than if it were thrown into the common fund, for they would have to consider whether they might not make it more advantageously applicable to the extension of public worship and religious education, the maintenance of ecclesiastical discipline in the dioceses, and the creation of additional sees where the present sees were too large. He therefore suggested to the House that it was undesirable to proceed with legislation upon this subject in the absence of the important information which they might get upon it, and the expression of any opinion upon the part of the Government.

LORD JOHN RUSSELL: I feel, Sir, that there is very great force in the reasons for postponement which the right hon. Gentleman has now urged. At the same time, there is something due, undoubtedly, to the noble Marquess who has undertaken this subject, who has undergone so much labour in order to bring his measure into a state to be laid before the House, and who is animated by a zeal which no man can doubt for the improvement of the Church. Now, Sir, taking those various reasons into consideration, I agree, in the first place, with the right hon. Gentleman that there is great public inconvenience in discussing a measure of this kind, so vitally affecting the Established Church, upon the proposition of an individual Member of Parliament, not representing the Government or any considerable party in this House, and upon a Wednesday, when it is not usual to have such an attendance as there ought to be upon the second reading of a measure of such great importance. In the next place, I quite agree with the right hon. Gentleman that there are some inquiries with respect to the Church—more especially with regard to cathedrals and their institution—which are not yet completed, and upon which it would be very desirable that we should have the Report of the Commissioners before we proceed to the consideration of this subject. I admit, likewise, that if we look at the details of this Bill, there are many of them, if details they can properly be called, which are open to very grave objections, and upon which I could not concur with the noble Marquess if this Bill were in Committee. I am of opinion that, whatever arrangements may be made, the revenues of the Established Church ought to be closely connected and bound up with the land of this country, and I think it would be a very great evil, supposing that the income of any bishop or person holding a cathedral dignity were not forthcoming at the proper time, that there should not be a remedy connected with the land and dependent upon the laws which regulate incomes derived from land. I, therefore, think that some of the provisions to which the right hon. Gentleman has referred—namely, the 16th and 30th clauses—militate against the provision which the noble Lord laid down most carefully—that the fee simple of the estates of the Church should still belong to the Church, and should not be conveyed to the Commissioners. Seeing, then, these various objections which the right hon. Gentleman has urged, and admitting their weight, I should be very glad if the noble Marquess would consent to defer this measure—if he would be satisfied with having brought the matter under discussion, being convinced, as I think he must be, that it is a subject of too great importance to be allowed to drop, and that if he should not be successful in carrying a measure before a very long time, the Government would feel obliged, when they had all the information before them, to introduce such a measure as they might think consistent with the interest of the revenues, while it afforded stability to the Church Establishment. But, Sir, if the House were now called upon to come to a division upon the principle of the Bill, strong as are the reasons for a postponement, and faulty as are some of the details, I should certainly feel myself obliged rather to affirm the principle than to give a vote against it. I conceive that the main intention of the Bill, which is to give to the Church Estates Commissioners the administration of that property from which the income of the bishops is derived, is very sound in principle, and that it is one which will tend not only to the improvement of that property, but that it will be more consonant than the present system with the dignity of the bishops, and with their giving all the time that is necessary to the discharge of their duties, which are becoming more and more extensive every day in the management of their dioceses. When I was a member of the first Church Inquiry Commission, there was a great deal of discussion upon this subject, and I remember that the Prelates who were on that Commission—the late Archbishop of Canterbury and others—considered that there would be very considerable danger if the principle of property being vested in the bishops were at all infringed on, as it might be if their incomes were made to bear the appearance of salaries rather than of rents derived from land. In order to avoid that consequence, we were obliged to recommend a course which experience has not shown to be very effective. We recommended that, in cases where the income should be greater than the Commissioners thought was requisite, a certain sum should be paid over, and that in other cases a certain sum should be made up to the bishops. It was found in practice, however, that no very good criterion existed by which to judge of those incomes, and that, while several bishops received more than the Church Commissioners thought they should receive, the income of others was deficient. Such being the case, the income of the bishops became precarious, and I think that very injurious results have followed, some bishops being exposed to great obloquy on account of their receiving incomes larger than was intended by Parliament, and others being exposed to a great deficiency of income. By a subsequent measure a different course was adopted, but this also I think is defective, because it obliges the bishops to enter more into the management of land than is desirable. It is obvious that a person coming into the possession of an hereditary estate may make provisions for the management of that estate, and may sacrifice his income for some years to improve it for the subsequent benefit of himself and his successors, knowing that his children will in the end reap the advantage; but for a bishop to sacrifice his income, when, perhaps, the enjoyment of his bishopic may not extend beyond four or five years, is perhaps too much to expect. I think, therefore, that giving a fixed income to be paid by the Commissioners who shall have the management of the lands is so great an improvement upon the present system that upon account of that provision alone, if the question were one of affirming or denying the principle of the Bill, I should be prepared to give my vote in favour of it. In so doing, I certainly considered very much the personal claims which the noble Marquess has upon the support of the House; at the same time I do not think that it is desirable to go into Committee upon this Bill with its various defects, until we have before us that further information which the right hon. Gentleman (Mr. Walpole) has alluded to—the Report of the Cathedral Commissioners. On the whole, therefore, I should hope that the noble Lord, after the discussion which has taken place, will consent to the adjournment of this Bill. There are so many other subjects connected with the Church which have to be considered that I think it is an additional reason why he should consent to this suggestion. There is one subject, for instance, which never yet came under the consideration of the House, but which has attracted my attention to a great extent. When the Commission of Inquiry made their Report, they pointed out in what manner they thought the additional revenues might be derived for the purposes of what is commonly called "Church extension." They pointed out the difficulties which existed where there were millions of people with an insufficient number of ministers and churches. They pointed out the means whence additional sources of revenue might be derived, and Parliament approved of their recommendation; but as to the application of those revenues there were no specific recommendations laid before Parliament, and the measure passed without the attention of Parliament being directed to that subject. In the year 1841, when I left office, I directed the attention of the late Archbishop of Canterbury, and of the Bishop of London, to that matter, and I was in hopes that a recommendation would have been made upon which Parliament could decide. The Ecclesiastical Commissioners thought it better, however, that they should establish certain rules by their own authority, and they proceeded to distribute the revenues according to those rules. I own I think—and I told the Bishop of London so at the time—that those rules were not altogether suited to the wants of the Church, that those wants were not sufficiently considered, and that too much was given to parishes of small population. However that may be, I think, at all events, that it was a subject, and that it is still a subject, to which the attention of Parliament might advantageously be directed; and I think, whatever may be the opinion of the Ecclesiastical Commissioners upon the point, that they ought to make a Report upon it, which should be laid before Parliament, and that the rules according to which the distribution of revenue should take place should receive the sanction and authority of Parliament, and should undergo a discussion in Parliament before they are carried into effect. That is one subject which we have to consider. Another is, the matter of the future constitution of cathedral chapters, and the purposes to which the revenues of those chapters may be applied. There is another subject also, of very great importance, which, though not in this Session, yet in another must be considered by Parliament—I mean that much-vexed question of church rates. There are other questions also affecting the Church, and I think, when Parliament has time to consider them, that it would be right to regard them, not as one or two isolated measures, but to consider together and as a whole all those measures which are intended for the prosperity and well-being of the Church. Under these circumstances, I earnestly hope that the noble Marquess will consent to the postponement of this Bill. At the same time, as I have previously stated, if it is to be a question of voting "aye" or "no" upon the second reading, I shall certainly vote for the second reading.

MR. H. G. LIDDELL said, he was prepared to admit the principle laid down in the preamble of the Bill, as regarded the improvement of the management of the capitular revenues, but he would not go the length of supporting the noble Marquess in the means which he proposed for effecting that object. When he considered how large an amount of property in Durham was held by the Church under lease, he could not agree that no interest would be affected by this Bill. On the contrary, he believed that the interest of the public would be most prejudicially affected, and he could not see estates transferred from the ecclesiastical corporations, who had so long had the management of them, into the hands of a London Board, without protesting against it. It must be remembered that the object of the Board would be to exact the highest terms which they could obtain for the renewal of the leases, and this of itself would have a very injurious effect. He was unwilling to perpetuate further that large abstraction of revenue which had already taken place under the management of the Church Commissioners, or to sanction that alienation of property which had already been witnessed to so considerable an extent, and for these reasons he should vote against the second reading of the Bill.

SIR BENJAMIN HALL said, he did not wish to speak, like the hon. Gentleman who had just sat down, on behalf of the lessees of the Dean and Chapter of Durham, but on behalf of the Church generally, and he must say that he thought the conduct of the Estates Commissioners had been right and fair towards the Church at large. Their object had been to do that which was just, not to exact extreme terms from those who might be the lessees of the dignitaries of the Church as the property fell in, but to do all in their power to increase the large sum of money placed at their disposal for the benefit of the Church and for providing for the spiritual wants of the community. The hon. Gentleman (Mr. H. G. Liddell) desired that matters should continue as they were, for the interests of the lessees. He (Sir B. Hall) desired that they should not continue as they were, for the benefit of the Church. As the Cathedral Commission had now been sitting some time, it would be very desirable if the noble Marquess, in his reply, would state whether it was likely that the Report of that Commission would be shortly laid upon the table, whether it would be a first Report, or a final Report, and, if a first Report, when the final Report would be likely to be presented. As far as he had been able to judge, he thought that the cause of reform, as regarded the revenues of the Established Church, was progressing satisfactorily. He believed that the desire of those who wished for reform was likely to be accomplished, and that the revenues would not be appropriated for any other purpose than for the welfare of the Established Church. If the noble Marquess divided upon the second reading, he should divide with him, in the hope that, if the Motion should be carried, the Committee would be postponed until the Report of the Commission should be received.

MR. DIGBY SEYMOUR said, that great injury would be done to a number of persons residing in Sunderland and Shields if this Bill passed without any provision for the renewal of leases. Persons who had expended a large capital in constructing ship-building yards, and other matters, ought to have some security against being deprived of their property. In the hope that some such provision would be made, he should vote for the second reading. The opponents of the Bill were confined to two classes—those who feared that to reform the Church would be to uproot it, and those who were not willing to reform it unless they could uproot it. He did not sympathise with either of these parties, and he believed that the Bill would be of great benefit to the Church, as well as to the public. It would be a great improvement to place the incomes of the bishops on a certain footing, and to vest the management of the property in other hands. The definition of the Church given by the hon. Member for West Surrey (Mr. Drummond) was one which he could not recognise, for it wholly excluded the laity.

SIR GEORGE GREY said, he would recommend that the noble Lord the Member for North Durham (Lord A. Vane) should withdraw his Motion for the adjournment of the debate, as he had not moved it on account of the merits of the Bill, but because, in the absence of any Member of the Government, no opinion on their part had been expressed. The noble Lord the Member for the City of London having expressed his views on the question, had removed this objection, and, on the withdrawal of the Motion for the adjournment of the debate, the noble Marquess who had introduced the Bill would then have an opportunity of stating his views, and he trusted the House would affirm the principle of the Bill by passing its second reading, but, in that event, he hoped the noble Marquess would not press the committal of the Bill until the Cathedral Commissioners had issued their Report.

MR. H. T. LIDDELL said, he had listened with great satisfaction to the speech of the noble Lord the Member for the City of London, who had stated such excellent reasons for the adjournment of the debate. He hoped the second reading of the Bill would not be pressed to a division upon that occasion. The interests of the lessees of Church property were deeply involved in this question, and he thought the discussion ought to be postponed, if for no other reason than that those interests should be made the subject of an inquiry by a Select Committee. An association had already been formed in the diocese of Durham by those interested in Church leases, and it was probable that before long a memorial would be presented to that House, setting forth the position of those parties, and the alarm and apprehension which they felt at the agitation of this question. In consideration of the speech of the noble Lord the Member for the City of London, intimating the intention of the Government to take up this matter, he would entreat the House to consent to the adjournment of the debate.

MR. MOWBRAY said, he hoped that the noble Lord (Lord A. Vane) would not accede to the request of the right hon. Baronet (Sir G. Grey), but would press his Motion for the adjournment of the debate.

THE MARQUESS OF BLANDFORD said, he rejoiced that the present debate had led to the important expression of opinion as to this Bill on the part of the noble Lord the Member for the City of London (Lord J. Russell), as it would tend to raise the public confidence, and would give an assurance to a large body of the Established Church that the Government were willing to take up a subject of such importance as that with which the present Bill dealt. He was also bound to acknowledge the very kind and gratifying expressions which had fallen from several hon. Members in regard to himself, not only as to the manner in which this subject had been brought forward, but likewise as to his motives in introducing the present measure. There were two Motions now before the House—one by his noble relative the Member for North Durham (Lord A. Vane) for the adjournment of the debate, and another by the hon. Baronet the Member for the Tower Hamlets (Sir W. Clay), for the second reading of the Bill that day six months. He was quite willing to admit that his noble relative, in moving such an adjournment, was actuated by every feeling of fairness, impressed as he was with the conviction that the present measure would not conduce to the interests of the Established Church; but he thought that the noble Lord would, on consideration, see that his Motion was wholly inadequate to effect what he desired—namely, the postponement of the consideration of this question for the Session; for, if he were successful in procuring the adjournment of the debate, he (the Marquess of Blandford) would take the first opportunity of again bringing the question before the House. He must also say that the noble Lord had put his Amendment on the ground that no Member of the Government was present to express their opinion on the measure. This objection had since been removed; therefore, the original reasons for the adjournment could not be substantiated. With regard to the Amendment of the hon. Baronet the Member for the Tower Hamlets, the object of that was to postpone the second reading of the Bill for six months. The hon. Baronet had professed to be a friend of the Established Church, but he must be allowed to say that that friendship had been placed in a very questionable light. The hon. Baronet entertained strong objections to church rates, and had stated in his remarks that he considered whatever surplus property the Church possessed ought to be devoted to the repairs of such fabrics, and to defray the expenses of the services; and because the Bill provided for a different application of the surplus property, the hon. Baronet opposed the Bill. The right hon. Member for the University of Cambridge (Mr. Goulburn) had, in his objections to the Bill, made some remarks which, unless answered, might lead to very serious misapprehensions as to the merits of the measure. That right hon. Member in one instance seemed to think that the present Bill would endanger the existence of that common fund which Parliament had created and sanctioned; in another instance he seemed to think that the funds would be localised in a way which would be inconsistent with previous arrangements of the Legislature. In answer to this last objection came the opinion of an hon. Member who opposed the Bill on a totally different ground, as he said there were no provisions in the Bill for local wants, and this was his great objection to it. A great deal had been said on the subject of these local wants, and he would therefore call the attention of the House to the 27th clause, by which it was provided that the tithes forming the part of any ecclesiastical endowment should, upon the expiration or surrender of any lease, be devoted to the making of such provisions for the spiritual wants of the places in which the tithes had arisen as the Commissioners might judge requisite. When he told the House that 600,000*l.* were yearly derivable from such tithes, they would feel satisfied that the Bill made great provisions for local wants. The 17th clause, by which episcopal estates were in the first instance to be applicable to episcopal interests, also provided for the remedying of local wants. With regard to what had been said as to this measure much endangering the security of Church property, he considered that the allowing of grievous abuses to remain unremedied, and Parliament refusing by continual postponements to deal with measures which sought to remove such abuses, were much more likely to render the Church property insecure. The right hon. Gentleman the Member for the University of Cambridge complained that the Bill would do injustice to the lessees of Church property. He thought the right hon. Gentleman was labouring under a great misapprehension upon that point, because all the Bill did, or was intended to do, was simply to renew the Act of 1851, the only difference being that, according to the present measure, the Estates Commissioners were the only parties who should transact business with the holders of Church leases. It followed, therefore, that if injustice were done to the lessees, the blame would rest with the Estates Commissioners, of whom the right hon. Gentleman himself was one. His own opinion, however, was, that the Estates Commissioners were the parties most competent to manage the ecclesiastical property of the country, and he was confident that they would not press with undue severity upon the lessees any more than they would disregard or neglect the just claims and interests of the Church. Again, the right hon. Member for Midhurst (Mr. Walpole) had entirely misunderstood the meaning and object of the clauses, which provided that separate accounts should be kept. A great deal had been said about the impropriety of making the bishops mere stipendiaries. The House was, perhaps, not aware that the poorer sees had received from the Ecclesiastical Commissioners, during the past year, payments to the amount of about 37,000*l.* His object in making provision for the keeping of a separate account was to avoid the necessity of these payments. He wished that the richer sees, instead of assisting the poorer sees by contributions in money, should do so by the transference of estates, in order that the property belonging to each see should always be sufficient to yield a proper revenue. But the right hon. Gentleman complained that there was no security in the Bill for the payment of the incomes; but if the House turned its attention to Clause 15, it would there see that that complaint was entirely without foundation, and that care was taken to protect the sources from which the incomes were to be derived. But these were matters which would be more properly discussed in Committee than upon the Motion for the second reading of the Bill. He was quite willing, for his own part, that the clauses with reference to the keeping of a separate account and the transference of estates should be struck out of the Bill in Committee; but he hoped that the second reading would be agreed to now, on the distinct understanding that the Bill should not be considered in Committee until the Cathedral Commission should have made its Report. The noble Lord the Member for North Durham had said that the Church was best able to judge of its own state, and ought to be left to reform itself; but he put it to the common sense of the House, and asked whether, judging from their experience of times past, they would be justified in saying that the Church, if left to itself, would reform itself; The House would recollect what took place on the introduction of measures by the noble Lord the Member for the City of London and the late Sir Robert Peel relative to the first Church inquiry. They would recollect the opposition these measures received from the friends of the Church, and the lamentable and pitiable memorials sent in by the chapters. But, if they looked at the results of these measures, they would find that new parishes had been formed, funds obtained, benefices augmented, and the Church placed upon a footing more in consonance with the requirements of the times; and all this had resulted from measures which, upon their introduction, were opposed as being fraught with extreme danger to the Church. He felt deeply grateful for what the noble Lord (Lord J. Russell) had said with reference to himself and to this measure, but, looking at the many contingencies which might interfere with the noble Lord's carrying out the intentions he had expressed with reference to this measure, and also to the state of public feeling and the importance of this subject, he felt it necessary to press the second reading of the Bill, in order that the House might have an opportunity of affirming its principle. He did not wish unduly to press the measure through the House, and if the second reading was sanctioned, he deemed it impossible, in the present state of business, for the Bill to be committed before the Report of the Cathedral Commissioners had been received. He, therefore, asked the House to affirm the second reading of the Bill, which had for its object to set at rest those unseemly disputes and ill-favoured scandals which had so long cast obloquy upon the ministers of the Church, and it sought, by relieving ministers from temporal concerns, to raise their characters in the eyes of the country, and enable them faithfully to discharge their duties, and so make them examples and shepherds to their flocks.

MR. GOULBURN said, he only rose to explain that the noble Marquess had, from misapprehension doubtless, incorrectly stated arguments which he (Mr. Goulburn) had used on a previous occasion. What he stated was this, that, as the Bill prohibited any renewal of leases for tithes, and as the incomes of bishops and chapters depended, in some measure, on such renewal of leases, the noble Marquess, by the present measure, at once took away two-thirds of their incomes, making them less than Parliament thought they ought to receive. He (Mr. Goulburn) had further urged that the only remedy of the bishops, in the case of parties holding Church lands refusing to pay, was by a re-entry on the estate, and this, under a system of leases, was of little advantage. To the objections which he had urged against the Bill of the noble Marquess no answer was given. He had further objected that the Bill would defeat the intentions of another measure which had for its object to provide for the spiritual necessities of places where destitution was most strongly felt. The noble Lord the Member for the City of London (Lord J. Russell) had complained that the rules of the Ecclesiastical Commissioners, relative to the distribution of the funds in their possession, had not been laid on the table; but on that point the noble Lord was misinformed, for the rules under which the Commissioners acted with reference to the apportionment of their funds were distinctly laid down in their Report.

SIR WILLIAM CLAY said, he should still oppose the Motion for adjournment, but, if it were lost, he would persevere with his own Motion unless the noble Marquess gave an assurance that after the second reading he did not mean to proceed with the Bill this Session.

LORD JOHN RUSSELL said, he wished to explain that what he had said with reference to the rules of the Ecclesiastical Commissioners as to the distribution of their revenues, was, that those rules had not been brought under the attention of the House so as to be made the subject of an Act of Parliament.

Question put, "That the Debate be now adjourned."

The House *divided:*—Ayes 62; Noes 123: Majority 61.

Question again proposed, "That the word 'now' stand part of the Question."

MR. GOULBURN said, he wished to know whether he was correct in assuming that, provided the Bill was read a second time now, it was not intended to proceed with it in Committee during the present Session?

LORD JOHN RUSSELL said, his opinion certainly was, that there were many other questions closely connected with this subject that ought to be taken up along with it. There were, also, many objections to the details of the measure; and if it were proposed to go into Committee on any particular day, he should feel it his duty to resist the proposal, though he was willing that the principle of the Bill should be affirmed by giving it a second reading.

MR. WALPOLE said, that, understanding that the noble Lord considered the Bill ought not to be proceeded with during the present Session, and that Government ought to undertake the question, he thought it would be unadvisable to vote against the second reading. His noble Friend (the Marquess of Blandford) admitted himself some material alterations were necessary in the Bill, and he therefore ventured to press on the House not to attempt to legislate this Session, on the understanding that Government would take the subject up in the next Session.

SIR GEORGE GREY said, he would suggest that the Bill should be read a second time, and that it should go into Committee *pro formâ* this Session, when the noble Lord might introduce such Amendment as he thought should be admitted into any measure that was proposed next Session.

SIR WILLIAM CLAY said, he had already stated that, if the noble Lord would pledge himself not to proceed further this Session, he would not object to the second reading.

THE MARQUESS OF BLANDFORD said, if the House would not object to the second reading, and if the noble Lord (Lord John Russell) would consent to the Bill being committed *pro formâ* this Session, he would not insist upon proceeding further.

Amendment, by leave, *withdrawn:* Main Question put and *agreed to.*

Bill read 2°.

DRAINAGE OF LANDS BILL.

Order for Second Reading read.

MR. KER SEYMER, in moving the second reading of this Bill, said, he should take it for granted that, with the variable climate, and with different soils in this country, the question of drainage, as far as it fell within the province of the Legislature, was one of great importance. The seasons of the past two years, and especially the autumn of 1852, when persons were unable to get on heavy wet land to prepare it for the wheat crop, must have dispelled all doubts on the subject, if any doubts existed. If, therefore, the importance of affording every Parliamentary facility for land drainage were conceded, the principle of this Bill was conceded. He trusted he should not be met with the objection that it was interfering with the rights of property, and he made this declaration especially to his right hon. Friend (Mr. Christopher), who had threatened him with opposition to the measure. He was as anxious as any Gentleman to maintain the rights of property, and he believed they were never safer than they were now, because, whilst the legitimate rights of property were admitted, what might be called the obstructive rights of property were no longer recognised by the Legislature. The principle of the Bill had been already sanctioned in Lord Lincoln's Act, but Lord Lincoln's Act was found to be practically inoperative. The landowner wishing to avail himself of it was obliged to send a complete plan of the system of drainage to the Inclosure Commissioners, the preparing of which plan was often very expensive, and the Commissioners might afterwards decide that the works ought not to proceed. He proposed in this Bill that a mere outline of the drainage should be sent to the Inclosure Commissioners, which would be scarcely any expense at all. The six weeks' delay to give notice in newspapers, and various other cumbrous proceedings, rendered Lord Lincoln's Act all but inoperative. Another great difficulty had arisen from Lord Lincoln having embodied in his Bill all the clauses of the Land Clauses Consolidation Act. That Act was passed with the view of protecting landowners from the aggression of powerful companies, and was so framed as to be very favourable to the landowners and very unfavourable to the companies. His opinion was that the companies had been as much victimised by the landowners as the landowners had been by the companies. However, the Act was not applicable to cases between landowners and landowners, between neighbours who were in a perfectly equal position. If a landowner wished to obtain an outfall through another person's land, the Land Clauses Consolidation Act, being embodied in Lord Lincoln's Drainage Act, made it necessary for him to give notice as to the land required to be purchased; and having given that notice, the lawyers held that he was bound to complete the purchase. It was binding on him to purchase, but it was not binding on the other to sell, except upon the terms which a jury might award. That might be very fair between a powerful company and the landowner, but not between landowner and landowner. The land clauses limited the time for purchase to within three years of the passing of any Act; but as this Bill was for all time, that provision was struck out. It was proposed by this Bill that the Inclosure Commissioners, having examined the case, should state what was the fair amount of compensation; and having done that, should give a certificate to the landowner on his application. He did not wish to deprive the dissentient landowner of the security of the Land Clauses Consolidation Act. The Bill, therefore, further provided that he might go to a jury; the jury might assess the amount of damage; if that amount of damage exceeded what the Commissioners stated was a fair amount, then the landowner, having paid all the expenses, was allowed to withdraw his proposal; he was not tied down to go on with his plan should the expense be found to be extravagant. In all cases of entailed estates, where the charge of drainage was to be a charge on the inheritance, under the Acts of existing companies it was necessary to show the Inclosure Commissioners a clear improved value more than covering the outlay. That could not be done while the amount of compensation was uncertain. Therefore he had taken power in this Bill to abandon proceedings when a jury awarded that which appeared to the landowner and to the Inclosure Commissioners themselves an exorbitant compensation. Those were the principal provisions of the Bill. A very important power in Lord Lincoln's Act for clearing and scouring watercourses had not been inoperative. He had introduced similar provisions into this Bill, only he had gone a little further, and instead of only providing for cases of neglect, had provided that where obvious improvements could be made by widening or deepening the stream, and the landowners could not all agree, one of them should, by application to the Inclosure Commissioners, be entitled to make the improvement. To show that the Bill was not of an expensive nature, where the amount to be charged to the non-assenting person amounted to more than 50*l.*, or the amount of compensation was more than 50*l.*, the proceedings for improving the watercourses before the Inclosure Commissioners were to come to a close. The measure was a humble, but he considered it a useful one; and if it left untouched the great question of arterial drainage, it would greatly facilitate a measure for that purpose. That was much too important a measure to be brought in by a private Member. He hoped, therefore, that it would be seriously taken up by the Government, and he was quite sure this little effort, so far from standing in the way, would be found to have prepared men's minds for it, and rendered it more easily carried. The Bill, of course, proposed to save the rights of the Crown and of the Admiralty. It was suggested there were many important local jurisdictions which might be affected by the Bill as it now stood; but he had a clause already prepared for the purpose of saving all their rights, at the same time giving them power, with the sanction of the Inclosure Commissioners themselves, to make use of the provisions of this Bill. It was not intended that any man with a crotchet about drainage might invade the property of his neighbour. It must be done by a Board, with various provisoes, which ought to dispel all alarm on that account. At present our relations with those countries from which we derive a supply of food were interrupted, and would be interrupted as long as the war continued. He, consequently, had proposed to the House a measure which would render our home resources more available, and he trusted hon. Members would, at all events, consent to the second reading.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. CHRISTOPHER said, he rose to move, as an Amendment, that the Bill be read a second time that day six months. He would concede to his hon. Friend the principle contained in the preamble of this Bill—namely, that it was necessary to increase the facilities for draining the land of this country, but he was prepared to maintain that there was hardly a clause of the measure to which valid objections might not be sustained. In the first place, although the hon. Member for Dorsetshire stated that he did not wish to interfere with the rights of property, one of the leading clauses of the Bill would enable a man to take the land of his neighbour without his consent. The object of Lord Lincoln's Act was to create the same powers with respect to draining as had been conferred by the measure of a former colleague of his (the Earl of Yarborough) with respect to inclosures. Now, it would be competent, under the present Bill, for any landowner to make the necessary application to the Inclosure Commissioners without the assent of the neighbour upon whose land the improvement was to be carried out. He strongly objected to the 13th clause, which empowered the Commissioners for the purposes of the Act to constitute themselves proprietors of any land, where the real owner should be a lunatic or otherwise disqualified. Such a course was a direct violation of the rights of property. He confessed he had not the same veneration for a central Board of Commissioners as had the hon. Member for Dorsetshire. He must confess he had confidence in the present Inclosure Commissioners, but the appointment of Boards falls to the Government of the day, and he must say he should not like to have any land of his dealt with by a body like the Sanitary Commissioners. He objected to the Bill, in the first place, because it gave the Commissioners power to possess themselves of lands without the assent of the proprietor; and, in the second, because in certain cases that body might adjudicate without any investigation on the part of an assistant Commissioner. More intricate calculations than those which entered into the question of drainage could not be conceived. He did not observe any clause in the Bill excepting from its operation the jurisdictions under which nearly 200,000 acres in Lincolnshire had been drained, with a gradient of only four inches in a mile. He objected to the power of taking land without consent upon another ground, that it would inflict great injustice on small freeholders. He knew a district of 25,000 or 30,000 acres of land, the owners of which numbered about 2,000, and there was nothing in the Bill to prevent the drainers taking possession and annihilating their property almost without their knowledge, and merely giving that compensation which the Inclosure Commissioners might think fit to award. Now, instead of giving the Inclosure Commissioners greater power as to drainage than they possessed with regard to inclosures, he contended that they ought to be diminished. His hon. Friend proposed to save the rights of proprietors in Lincolnshire, but he (Mr. Christopher) trusted the Government would pause before they gave their sanction to a proposal which would place in the hands of a central board the power of forcibly taking a person's land for the purposes of the Act without that individual's consent. There was nothing arbitrary in the Bill of Lord Lincoln, and he was not disposed to go beyond the principle of that Bill with respect to power of drainage. Believing, however, the present Bill to involve a violation of the rights of property, he should move its rejection.

Sir JOHN TROLLOPE seconded the Amendment, for the purpose, he said, of raising discussion; but he thought the Bill might be allowed to proceed to a second reading if the hon. Member for Dorsetshire would introduce a clause saving the rights of parties under local Acts, and protecting their works and machinery from interference. He considered his hon. Colleague might then withdraw his Amendment, as most of his other objections could be dealt with in Committee.

Amendment proposed, to leave out the word 'now,' and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

Sir JOHN SHELLEY said, he considered the principle of the Bill to be one of great importance. It was the duty of the landowners to bring their land into the best possible condition, and in ninety-nine cases out of 100 the draining of one man's land conferred a benefit upon his neighbour. He approved of the Inclosure Commissioners as a body to carry out the Act, and with regard to the measure generally he trusted the hon. Member (Mr. Ker Seymer) would listen to the suggestion of the hon. Baronet (Sir J. Trollope), so that the Bill might be read a second time, and be subsequently considered in Committee.

Sir WILLIAM HEATHCOTE said, he believed that the objection of the right hon. Member for Lincolnshire (Mr. Christopher) would be entirely met by the clause which his hon. Friend (Mr. Ker Seymer) had prepared. His right hon. Friend, if he referred to Lord Lincoln's Act, would find that all the powers which were given by this Bill to persons to approach the property of others to and with the consent of the Commissioners, to take a portion of that property for the purposes of drainage, already existed under that Act. The only difference was, that under the existing law the difficulties in carrying these provisions into effect were far greater than they would be if this measure should pass, but the principle was in both cases the same. He would call the attention of both his right hon. Friends to this, that in the county which they represented, and in some others, facilities already existed to a much greater extent than would be given by this Bill, and that they had already had the advantage of them. He thought, therefore, that if they were protected from any other interference—as they would be by the clause which his hon. Friend would introduce—they ought not to object to give the other parts of England the same facilities.

Mr. HENLEY said, he did not think that the House had clearly before them what the Bill proposed to effect. Now, so far as he understood Lord Lincoln's Act, the present Bill very much increased the powers that were there conceded, while at the same time it took away all the securities afforded by that Act. If so, that he must hold to be a serious matter for the House to consider. While, however, he did not wish to oppose the second reading of the Bill, he must express a very strong hope, that if the second reading were passed, the House would send the two measures, that is, Lord Lincoln's Act and the present Bill—before a Select Committee, before which the provisions of the two might be well and maturely investigated. For what was the case? Here was a Bill dealing with the same subject, making no reference whatever to it, or in no way incorporating it. So that it might come to pass that they would have two Acts in operation containing different provisions. Now, he would call the attention of the House to some points on which the two Bills differed. Lord Lincoln's Act provided that those parties who wished to make any improvements, and to obtain a fall through their neighbour's property, should have proper estimates sent in, and even after these estimates had been sent in to the authorities in London, that it was still necessary that certain public notices should be given; so that any one living within the area of the district to be drained would have timely warning of what was going to be done, and might have the opportunity of making whatever objections they pleased. But the present Bill contained no such provision whatever. It certainly said that such notice as the Inclosure Commissioners might think fit should be given to any parties whom the proposers of the scheme said would be affected by it. That, however, he did not hold to be a proper legislative protection. The party who proposed the scheme might think a matter only affected A, B, or C, while in reality it affected D, E, and F as well; and there were other points on which the Bill went beyond Lord Lincoln's Act. In that Act the power of dealing with mill property was not included, while in the present Bill the most important extension was included. Surely, therefore, where much larger powers were conceded, they ought not to have less securities for their proper exercise. No sufficient reason had been given for altering the provisions of the Lands Clauses Consolidation Act; for if there were any difference, which he confessed he could not see, between land taken compulsorily by an individual and land taken compulsorily by a public company—it was perfectly well known that many of these large draining operations were carried on by joint stock companies for their own profit and advantage. But there was another very important matter which also required notice. The proposal asked the House to deal with the land of several persons—it might be 100 persons; but if the damage done to each of those persons, in the opinion of the Commissioners, did not exceed 100*l.*, in that case not one of them would have the power of appeal—the power of going to a jury, with power of arbitration, so that as long as the Commissioners chose to assess damages at 99*l.*, all persons interfered with were without appeal, and the works could go on without their consent. It was impossible, therefore, if the Bill stood in anything like its present shape, that it could pass through a Committee of that House with a likelihood of its proving a useful measure for the country, and on that account he should most strongly recommend its reference to a Select Committee.

VISCOUNT PALMERSTON said, he hoped that the House would agree to the second reading of this Bill, and refer it to the consideration of a Committee of the whole House, which he thought much fitter than a Select Committee for the discussion of such matters. The objections which had been urged were strictly Committee objections, relating to the clauses and provisions of the Bill, and might be made the subjects of amendment when these clauses and provisions came to be considered in detail. He wished the House to recollect that there were few matters of greater importance than this particular kind of drainage. Every one must know that whether they regarded the agricultural prosperity of the country, the health of the country, or the climate of the country, extensive drainage was of great importance. It was in vain for gentlemen to underdrain their lands unless they could have an outfall, and an outfall could not be had on a single property. Now, they knew that cases occurred in which some small proprietor, from prejudice, or obstinacy, or interested motives, or perhaps from ignorance of his own interests, refused to give his consent; and that, in other cases, from the particular manner in which the properties were held, there were no owners whose consent could be legally given. This Bill was calculated to remove those difficulties, and he, therefore, hoped the House would agree to its being read a second time, so that any amendments which might be desirable might be made when it came into Committee.

Mr. CHRISTOPHER said, he would not persist in his intention to divide the House. At the same time he must say his objections were not at all removed, or at least very slightly removed. He hoped, however, that the noble Lord (Viscount Palmerston) would reconsider his recommendation that the Bill should proceed before a Committee of the House, for he (Mr. Christopher) was much disposed to agree in what was stated by his right hon. Friend the Member for Oxfordshire (Mr. Henley), that the subject was one much more fitted for the consideration of a Select Committee. That being so, he should certainly reserve to himself the power of moving as an Amendment, on going into Committee, that the Bill be referred rather to a Select Committee.

Mr. KER SEYMER said, he wished merely to state that Lord Lincoln's Act was entirely inoperative for the procurement of an outfall; and that he had in his hand a clause prepared in reference to private Acts, and which would meet some of the defects urged against the Bill.

Amendment, by leave, *withdrawn;* Main Question put, and *agreed to.*

Bill read 2°.

The House adjourned at half after Five o'clock.

HOUSE OF LORDS,

Thursday, May 18, 1854.

FUND FOR SOLDIERS' WIVES AND CHILDREN.

Lord ST. LEONARDS wished to ask the noble Duke the Secretary at War, whether there was any truth in the report, that the Government intended to take on itself the distribution of the fund which had recently been collected for the relief of the wives and children of the soldiers who had been ordered to the East? Of course, the Government could not interfere with the management of those sums which had been raised by private exertions, and were expended in certain localities, under the superintendence of the individuals subscribing. That plan, as far as it had gone, had acted admirably; but, independent of those sums, a large fund had been collected at the different churches on the Day of Fast and Humiliation, and he thought they might very reasonably take charge of the sums which had been collected on a public solemnity. At any rate, the immediate application of that fund was of the greatest importance, to meet cases of distress with regard to soldiers' wives and to provide homes for the children, under circumstances which had already occurred. There was a voluntary association which was addressing itself specially to this object; but he was not aware of their plans or the amount of the funds they had at their disposal.

The Duke of NEWCASTLE: I am not able to give your Lordships any information as to the course adopted by the voluntary society to which the noble and learned Lord has referred, although I have been once or twice in communication with the gentleman who is connected with it as honorary secretary. But as regards the intentions of Her Majesty's Government, I am very happy to have this opportunity of giving to the House the information which I have been already asked for in private by more than one noble Lord. After the large collections which were made in the churches on the Humiliation Day, several applications were made to the different Members of the Government, and more especially to the Secretary of War, to know whether any public functionary was authorised to receive any money so collected. Of course, our answer was that no such provision had then been made. The attention of the Government having, however, been turned to the subject, it appeared to us that as large sums had been collected at churches and other places, and as a large amount had been raised by the subscriptions of private persons, it would be desirable to give to the dispensation of these funds a more national character than could be conferred upon it if it were intrusted to a voluntary association, however well composed. Under these circumstances, it was at first the intention of Government to issue a Royal Commission, which should dispense these funds very much in the same form and manner as was done in the case of what was called the Patriotic Fund in the last war. A few days, however, having elapsed while the scheme was being matured, and while measures were being taken to obtain the consent of those noblemen and gentlemen unconnected with the Government whom we wished to place upon the Commission, we found that the greater part of the money which had been collected had, in the absence of any other body, been handed over to the association to which the noble and learned Lord had referred. Under these circumstances, it appeared to us that to issue a Royal Commission for the same purposes as were contemplated by this association would have the appearance of entering upon a species of rivalry with it, that this might be misunderstood, and that it was certain to be prejudicial. The Government, therefore, have abandoned the intention of appointing any Commission at present; but if there should be a general action, in which the lives of a number of our troops should be sacrificed, it is the intention of Government to issue a Commission for dispensing any funds which may then be collected for the relief of the widows and orphans of the soldiers who are slain.

Lord COLCHESTER suggested, that there should be some similar provision for the wives and children of our seamen.

Subject at an end.

LAW OF LANDLORD AND TENANT (IRELAND) BILL—

THE IRISH LAND BILLS.

The Duke of ARGYLL, in moving that the House go into Committee upon the Law of Landlord and Tenant (Ireland) Bill, said, he thought it would be more respectful to the House to make a short statement of the manner in which this Bill and the other Bills on the same subject, had been dealt with by the Select Committee to which they had been referred. The House would recollect that when the second reading of the Bills was moved some weeks ago, a strong feeling was expressed by several Members on both sides of the House with respect to some portions of them. He could now sincerely say, after the discussions which had taken place in the Select Committee, that while on the one side there was a firm determination to maintain that great doctrine in regard to property on which must depend all agricultural and other improvements, on the other, an earnest disposition was shown not to let any pedantic adherence to the abstract principles of right stand in the way of substantial justice. There were no less than eight bills referred to the Committee, but some of these were duplicates of others. The plan adopted by the Committee in respect to two of these Bills, the Law of Landlord and Tenant Bill and the Leasing Powers Bill, was to take these Bills and to endeavour to engraft upon them the improvements which were suggested in the other proposed measures. It would be recollected that the whole discussion in that House had arisen on the clauses relating to compensation; but it would be a great mistake to suppose that there was nothing important in the Bills except those clauses. For his part he unreservedly adhered to the great fundamental principle that the relation of landlord and tenant ought to rest solely upon contract, and that any invasion of that principle would be injurious to one or the other of the parties. But at the same time it was evident that it was perfectly consistent with a firm adherence to this principle to make legal enactments to provide for cases where there was no agreement, or where the agreement was silent. Under the existing law of fixtures, all houses or permanent buildings erected on the soil belonged to the proprietor of the soil, even although built by a tenant at his own expense. In 1851, an Act was passed which operated a material change in this state of the law. By the provisions of this Statute, which extended to England, Scotland, and Ireland, a landlord might empower a tenant, by written agreement, to erect houses at his own cost, to be paid for by the landlord at the end of the lease, if he should so choose, or to be taken down and removed by the tenant at that period. This was the principle on which the Landlord and Tenant Bill was founded. It was simply a re-enactment of the law of 1851. But the question naturally occurred, can you do nothing to extend this fair and legitimate principle to the case of tenants who have already erected houses at their own expense and with the consent of the landlord? He admitted that there was some difficulty in dealing with *ex post facto* legislation, but there were circumstances in this particular case which were worthy of great consideration. It had been sometimes argued, and with perfect correctness, that there was a very rapid change going on in Ireland in regard to the relations between landlord and tenant—and that the habits which had obtained during the previous generation were now happily on the wane. The conclusion was, that the agitation on the subject of the relations between landlord and tenant was likely to subside, and that there was therefore no necessity for dealing with that subject for the purpose of soothing that agitation.

He should never recommend their Lordships to adopt any Bill for the mere purpose of calming agitation ; but he would ask them, whether the facts which had now been referred to with regard to the change in the relations in question did not lead to a different conclusion ? He believed it was universally admitted that the previous habit and practice in Ireland was not that the landlord should build at his own expense, or should share the expense with the tenant, but that buildings should be erected at the sole expense of the tenant. That practice was now changing rapidly, and it was becoming the system that the landlord should erect the buildings at his own expense, or by a mutual agreement between the landlord and tenant as to how much each should pay. He greatly rejoiced at this change ; but in the process of the transition immense hardship was likely to arise to the existing tenantry. Many tenants who had erected buildings at their own expense would be left exposed to sudden evictions without any compensation whatever, and this might be more rapid in consequence of the change itself. He thought it was a point of policy to endeavour to ease that period of change—to endeavour to providé for the case of tenants who had erected buildings under customs which were now passing away—some principle under which, during that period, tenants might be compensated for any sudden change. This was the principle on which the clause had been drawn up by the Committee, and a certain retrospective action given to it. The principle was that, where tenants had erected buildings solely at their own expense, those buildings were to belong to the tenant, and might be removed by him at the termination of his tenancy, subject to a right of purchase on the part of the landlord. Great caution had been used to prevent any abuse of this principle. When the Landlord and Tenant Bill came up to their Lordships' House, the principle that buildings erected by a tenant should belong to him was adopted ; several Members of the Committee, however, started the objection that where a tenant under a long lease had erected buildings he was amply compensated by the length of his enjoyment, and that in such cases it would be unjust to oblige a landlord, who, perhaps, had been kept a long while out of possession of his land, to purchase the buildings which might have been erected. Even as the clause stood when the Bill came up to their Lordships' House, it stipulated that a certain length of enjoyment should compensate a tenant who had erected buildings, but the period of enjoyment was not specified—it was to be determined by the judge before whom the particular case should be brought on a view of the whole circumstances. Taking into consideration the various objections which were made, considerable modifications had been made in the Select Committee to whom the whole of these Bills had been referred. He would briefly state to their Lordships what was the principle of the retrospective clause as it now stood. A list of cases had been drawn up, in which, firstly, all claim on the part of the tenant was absolutely barred ; and in the second place, another list of cases, where, though not absolutely barred, his claim was limited. His claim was absolutely barred, first, where the houses had been erected in pursuance of any agreement with the landlord ; second, where they had been already compensated for by allowances or abatements of rent or in any other way ; third, where they had been erected in violation of any covenant ; and lastly, where they had been enjoyed for twenty-one years. Again, the tenant's claim to compensation, though not absolutely barred, was yet limited in amount, first, by the value of the building to the soil, as tested by the willingness of the landlord to purchase ; second, by the length of the period of enjoyment within twenty-one years—his claim, for instance, would be nearly exhausted if he had enjoyed the buildings for nineteen years ;—lastly, the claim would be abated by evidence brought forward by the landlord of compensatory advantages and profits gained by the tenant, and also by claims for arrears of rent and dilapidations. These were the principles upon which the compensatory clauses were founded ; and the Select Committee, after having considered the Leasing Powers (Ireland) Bill, directed their attention to the Tenants' Compensation Bill ; but, having just adopted one principle, they could hardly go on and adopt another and a different one. The Tenants' Compensation Bill had been originally introduced into the House of Commons during the administration of the late Government, by Mr. Napier, and there was at first a very considerable list of improvements specified—improvements, not only above the soil, but also under the soil, for which compensation might be claimed. By the time, however, that that Bill came before their Lordships, that list had been materially changed, and the improvements under the soil had been totally excluded. The Committee did not think it necessary, having approved of the Bill regarding buildings, to have a separate Bill on the subject of roads and fences. These were the general principles upon which the Committee had dealt with these Bills, and the result of their investigation had been that they had reported in favour of the Landlord and Tenant Bill, and the Leasing Powers Bill, and against the Tenants' Compensation Bill.

House in Committee.

On Clause 1,

THE MARQUESS OF CLANRICARDE congratulated their Lordships, and more particularly those noble Lords connected with Ireland, that they had escaped from the hasty and crude legislation that had been proposed last year, and which might have passed into law but for the prudence and discretion which the Government had evinced. He wished in the next place to bear witness to the fair and conciliatory manner in which the Government, and more particularly the noble Duke who presided over the select Committee, had entered into the consideration of the question. It would, he was bound to say, have been impossible to deal with the subject in a more candid or more impartial manner; but, he was sorry to say, that he was compelled still to object to these Bills on account of the principle on which they were founded, which he believed to be essentially mischievous. The principle of these Bills would violate every contract, every deed or instrument, every agreement, written or unwritten, with respect to landed property throughout Ireland. He did not mean to say that the mischief done would be extensive, because the principle was so emasculated that it would be inoperative; and the Select Committee, apparently aware of the mischievous nature of the principle, had so framed the Bills that but little injury could result from them. With regard to the Leasing Power Bill, it showed a total disregard for settlements and deeds affecting land and landed securities in Ireland. It was said last year that in Ireland every settlement, every mortgage, every judgment stood in the way of making leases. Now, if that statement were true, he would adopt it at once as a ground upon which to object to the principle of this Bill, which would affect the securities upon which persons had advanced money. For every one of these settlements there was valuable consideration given; every mortgagee who stood in the way of a lease had advanced his money on the land; every judgment entered against the land in that country was entered by persons who had advanced their money on the security of the land, and if they overthrew the securities which fenced every mortgage, settlement, and judgment, they would effect a change which should not be made unless there was reason for it. On the whole, throughout Ireland, there had been infinitely more mischief done by long leases granted years past than good prevented by the want of leasing powers. But the Landlord and Tenant Bill contained a principle which he thought was even more vicious, and would violate every contract and every lease in Ireland. It was herein held that a tenant should receive compensation for buildings which he might erect at his own expense; but he could tell their Lordships that tenants in Ireland were not the fools they had been represented to be, and that there was no such thing as a tenant building proper houses at his own expense, except upon some specified understanding with the landlord, or without a lease proportionate in value to the sum he laid out. It was a dangerous principle to pass an Act, which would make what was the property of one man on one day the property of another man on the next day. But even if its principles were not so dangerous as they were, he objected to these Bills as being contrary to the spirit which had prompted all their legislation during the last fifty years. They had no precedent for this kind of legislation in any country in the world. Let them go to the Lowlands of Scotland—let them go to the midland counties of England, and try and ingraft the English or Scotch law upon that of Ireland, instead of introducing a new system such as never had been applied to any country at all. He acknowledged that the feelings and habits of the population of the two countries were to some extent different; but how were they ever to make the ideas and habits of the inhabitants of different parts of the empire alike except by the establishment and working of similar laws? How had Parliament acted with regard to the Irish Church and the question of tithes? Did they say that the feelings of the people of England and Ireland were so different that they would legislate differently upon that subject? No!

Though there was some slight difference with respect to the treatment of English and Irish tithes, Parliament had kept in view the main question, that the grant to the Established Church in Ireland was a grant to the Established Church of England and of Ireland, and they had bound the land to support that grant. The same course had been followed as regarded the Irish Poor Law, because Parliament said it was desirable and necessary to assimilate the law of Ireland and the law of England on account of the increase of communication between the two countries and the general assimilation between their respective legislation. Yet, at this time, when the intercommunication between England and Ireland was most frequent and most rapid, when the ideas of the two people were more blended together, when the system adopted in the one kingdom was better understood in the other—the Government chose to introduce into Ireland a principle entirely different to any principle which they had ever adopted for any part of Great Britain. The noble Duke had referred to the proceedings of the Select Committee appointed to consider this subject; but he (the Marquess of Clanricarde) thought their Lordships were legislating very much in the dark at the present time. The Select Committee had refused to go into evidence with respect to the supposed necessity for any legislation on the subject, although once or twice he had ventured to whisper the proposition, that it would be highly desirable to have evidence as to what changes were really wanted in the law of landlord and tenant in Ireland before proceeding to consider that subject. Upon this a noble Lord had said, "Why, that would be making us a Committee on the state of Ireland." Well, that was exactly what he wanted; this point was exactly what their Lordships did not know, and what not one of them could tell him. When they talked of the Devon Commission and the Commission of 1834, they might just as well talk of the *Doomsday Book;* because the whole state of things described by these Commissions had passed away, and because, although the individual landlords and tenants were not everywhere changed, yet their management and the relations between them were entirely altered. He was very frequently in Ireland, and was in constant communication with persons engaged in the management of lands and estates and matters involving the law of landlord and tenant; but he ventured to say that, if he had to explain to their Lordships the general system which prevailed throughout that country at present, he should find himself at a total loss. At all times the customs were different in different parts of the country, and never had there been such a difference as at this moment. There were just now a great number of new proprietors, with large capitals, who had introduced different systems to those previously known in Ireland; a total change was going on; emigration had not yet stopped; the demand and supply of labour were not regulated; there was, again, he feared, too great a demand for land; to the most casual observer things were in a transition state in Ireland; and yet Government brought in a Bill which was intended to give a new and permanent tone to the relations between landlord and tenant, and containing monstrous principles, which were carried out so weakly that they would have no effect at all. He did not deny that there were improvements in the Statute law which might be wisely made, but they were all of a nature which would be better touched upon in a Petty Sessions, or a Summary Jurisdiction Bill, such as he had had the honour to pass through this House, but which was rejected by the other House of Parliament last Session. He had not ventured to frame the schedules of those Bills, but they would recollect that his Bill was intended to be an entirely new code. Now, the present Bill professed to be a Bill to consolidate the law of landlord and tenant in Ireland. He believed that there were no less than 200 Statutes in existence on that subject, while these Bills repealed only 39 Statutes, and partially repealed — that was, repealed different sections in—25 other Bills. If this calculation were correct, no fewer than 161 Statutes would remain added to the two Bills which their Lordships were called upon to pass as the consolidated law. According to another calculation made, there were 160 Statutes in existence upon the subject, which would leave only 121 Statutes when these Bills were passed. This could not be called a consolidation of the law, and its only result must be to make the law more confused. The noble Duke who introduced the measure did not state any reason for the Bill except in reference to one clause, which it might be thought would operate injustice, and which he thought it necessary to defend; but the real reason, he believed, was stated by the noble Duke (the Duke of Newcastle) who introduced the four Bills which were before the House last year. It was stated, then, that a great clamour had been raised in Ireland by the Tenant League Association. Now, he must say that if Parliament wanted to promote agitation and anger, which did not prevail at this moment, these Bills were exactly calculated to produce that effect. At present there was no agitation on this subject in Ireland. A small knot of persons were indeed endeavouring to get up and keep alive an agitation; but it was quite notorious they had totally failed in doing so. There was no distress among the tenants, and no anxiety among the landlords, except to escape from the legislation of Parliament and to know what the law affecting them really was. He could imagine the fury of these persons when they saw the 37th clause of this Bill, by which Parliament acknowledged the principle of compensation without reference to lease or tenure—and then they gave the tenant a barren gift, for they said he might take away the walls and stones if he could not come to an understanding with his landlord. Such a clause would produce a great deal of vexatious litigation and a great deal of ill-will. It was not true to say that the tenants of Ireland had been in the habit of building houses upon their land, as a general custom, without a lease. What had been the case constantly within his own knowledge was, for the landlord to agree with the tenant to give him assistance, and the house, where it was worthy to be called a house, was built conjointly by them. Of course there would now be litigation on this subject between the two; and the point in dispute as to by whom the building had been erected would be a matter of hard swearing, in which the long purse of the landlord would be pretty sure ultimately to prevail. He would not trouble their Lordships to divide upon the Bill; but there was one subject to which he wished to call their particular attention. If these Bills were sent down to the House of Commons now, it could hardly be supposed that there would not be some alterations made in them, and he trusted there would be a clear understanding that if the Bills were returned to this House at the close of the Session, any alterations—perhaps justly, perhaps erroneously made—were not to be hastily accepted without giving their Lordships full time for consideration. The Bills, such as they were, would, he believed, be productive of mischief in Ireland, but they might be made much more dangerous Bills by a very slight alteration.

THE EARL OF WICKLOW said, that so far from agreeing with the noble Marquess that it was a matter for congratulation that their Lordships had not at once agreed to consider these bills, he regretted that their Lordships had not entered into the subject when it was formerly proposed to them. He would infinitely prefer that the Bills should have been passed in their integrity in the manner they came to their Lordships' House, than that they should have been treated in the manner they were. The Bills were framed to give satisfaction to the country, and they had lost the opportunity of giving that satisfaction which they might have given in the course of the last Session. The noble Marquess had said, there was no agitation in Ireland on the subject, and he would tell him the reason—because the country was looking to their Lordships' decision upon the subject, and were waiting to see what measures Parliament would send to them. But let them reject these Bills and disappoint the expectations of the country, and then they would see whether there would be agitation or not. It was no answer to him to say there was no agitation; he cared not as regarded legislation whether there was or not; his object was, not to satisfy agitation, but to do what was right and just; and whether there was agitation or not, he trusted their Lordships would persevere in so doing. He was surprised at the conclusion at which the noble Marquess had arrived, for, although he had never heard a measure more strongly condemned than these Bills had been in the speech to which they had just listened, yet the noble Marquess concluded by saying that he did not intend to offer any opposition or to divide the Committee. He confessed that, after this, he was at some loss to understand the ground taken by the noble Marquess. If they could introduce into Ireland the practice of England and Scotland, no man would be more ready to join the noble Marquess than he would; but it was because the practice in those countries was so different from the practice in Ireland that they were bound to attend to the just petitions of the people of that country with regard to alterations of that kind. He had the gratification of telling the noble Earl opposite (the Earl of Derby) that those Bills were very similar to those which his own Government had intended to pass, and he hoped the noble Marquess, through regard to the feelings of his Colleagues, would be disposed to give a favourable consideration to them. He was not very sanguine on the subject; but he trusted that these Bills would be received with favour in Ireland, though he could hardly anticipate for them a reception so cordial as would probably have hailed the measures of last year. He hoped that, considering the extensive alterations that had been made by their Lordships in the Bills that came up from the Commons last year, their Lordships would give a favourable reception to any alterations in the present Bills which the other House might feel it necessary to make. At any rate, he trusted that another Session would not pass away without these Bills being carried into effect.

Lord ST. LEONARDS said, he thought it a matter of congratulation that the Bills of last Session on this subject had not been passed into law, because in their original shape they were open to many grave objections, and could not have received that careful consideration which the nature of the case demanded. The Government, therefore, deserved credit for postponing these measures, which, in their present form, had assumed a very different aspect from what they at first bore. To the first Bill, relating to landlords and tenants in Ireland, although he thought some of its details objectionable, he was ready to give his assent. He believed it would be a useful measure, by doing away with the vast mass of separate Statutes bearing on this question, and placing the whole law of landlord and tenant in Ireland on the face of this Bill. There was one clause, providing compensation to the tenants for past improvements, which was of a very serious nature, because it might be made the means of giving away the landlord's property. At the same time he admitted that the question involved in the clause was one of very great difficulty as regarded the rights and interests of both the landlord and the tenant; and if this provision were adopted, it could only be adopted as a compromise. By giving way on this point their Lordships must break in upon a sound and acknowledged principle of legislation; and they must be prepared to look the evil in the face. They had been disposing of a vast extent of landed property in Ireland, amounting to millions, through the agency of the Encumbered Estates Court, and they had invited persons to purchase land under the law as it stood when they bought the property; and now they proposed by *ex post facto* legislation to make the purchasers pay for the buildings and improvements upon that land. The Government of his noble Friend (the Earl of Derby) had certainly intended to introduce a measure of this kind. Now, he (Lord St. Leonards) never did agree to this principle, and never could agree to it; yet he admitted that necessity and expediency might compel them, at the sacrifice of abstract and individual principle, to give way to a certain extent, but beyond that limit he could not go. If they did not deal with the subject now, the evil would only be aggravated by delay, and therefore, although not at all agreeing with the principle of the measure, he would not oppose the passing of this Bill. The other measure, the Powers of Leasing (Ireland) Bill, was of a totally different nature, and there was no demand for it on the part of the tenantry in Ireland. He disapproved of nine-tenths of this Bill, and he said that, if it was a proper measure, it ought to be extended to England as well as to Ireland. To do justice to Ireland we must cease our partial and particular legislation for her, and treat her as an integral part of the same empire. There ought to be no difference between the law of property in Ireland and in England. Why should we give to Irish landlords powers not given under settlement, when we denied the same powers to landlords in England? He could not but see the contrast between what their Lordships were doing in England as compared with what they were about to do in Ireland. A noble Earl, a friend of his, a tenant for life, with an infant son who was tenant in tail, and a remainder over, actually possessed powers for granting building leases, and had acted upon his powers to a great extent; but when he wished to obtain some little extension of those powers, he had to come before Parliament Session after Session, and he experienced great difficulty in attaining his object. By the present Bill, however, it was proposed that every man who was a tenant for life, or for a term of years, although there were not two months of his term unexpired, should have powers to grant the following leases:—For agricultural purposes, 31 years; for improvement purposes, 41 years; for building purposes, without limit, 99 years; and for general purposes, 999 years. Thus the life tenant would have the power of giving leases that would be most burdensome to his successors. Nobody asked for such extensive and dangerous powers in England, which had prospered as an agricultural country without them, and he saw no reason, therefore, why they should be conferred upon landlords in Ireland.

EARL GREY said, they were now in Committee on the Landlord and Tenant Bill, and if they did not keep the two Bills separate in the discussion, they would never arrive at a satisfactory result. A debt of gratitude was due to the noble Marquess (the Marquess of Clanricarde) who had been mainly instrumental last year in preventing these Bills from being passed in their former state; for, having been a Member of the Select Committee which sat this Session, he (Earl Grey) was sure that in their original shape the Bills would have worked injustice, and have introduced principles of a most objectionable nature. They were much indebted also to the noble Duke who had presided over the Committee (the Duke of Argyll), for the great care and attention he had devoted to the subject. He (Earl Grey) admitted that for Parliament to interfere in the bargains of private individuals by *ex post facto* legislation would be a course attended with great danger; but he was glad to find that the noble and learned Lord (Lord St. Leonards), although objecting in the abstract to the principle of the Bill, even in its modified shape, yet agreed with him in thinking that, on the whole, under the circumstances of the case, there were sufficient reasons for proposing such a compromise as this. The Bill would have the effect of doing substantial justice, or rather of preventing a great deal of substantial injustice from being committed. The noble Marquess (the Marquess of Clanricarde) also admitted that the principle, although open to objection, was yet so guarded by checks, that it could not work any serious mischief; and he (Earl Grey) therefore trusted that this Bill would be at length passed into law.

LORD CAMPBELL would not oppose this Bill, although he disapproved of the objectionable parts of it that had been pointed out by the noble and learned Lord. The compensation clause was contrary to all sound principle, and not calculated to benefit agriculture; whilst, if acted upon, it was likely to sow discord and animosity between landlord and tenant, instead of fostering good feeling between them. He (Lord Campbell) must therefore be governed by faith and not by reason in this instance; and whilst deferring to the high authorities in favour of the measure, distinctly wash his hands of all responsibility connected with it.

LORD BEAUMONT said, this was a Bill involving the utmost difficulty, and calculated to effect a complete revolution in the relations between landlord and tenant in Ireland. Yet a Bill of that importance had been sent to a Select Committee where no law Lord attended to represent the Government, to guide the laymen who were Members, and who had, therefore, to settle all the nice points of law by themselves. Now that the Bill had come out of the Committee, how did the question stand? Why, almost every Peer who had spoken condemned its principle. They did not know if the Government itself adopted the principle of the measure. The whole case, in fact, was involved in such a mass of complexity and obscurity, and they were all in the dark regarding the origin of these Bills and as to who was answerable for them, that he (Lord Beaumont) wished to divest himself of all responsibility attached to recommending these Bills, which might be thrown upon him from the circumstance of his having been a Member of the Select Committee, and he was anxious that it should be understood that he had been no party to recommending them. Although he admitted the necessity for legislation, and that there were some very excellent provisions in these Bills, he would rather see these Bills thrown out and others brought in under the responsibility of the Government, under the care and advice of the noble and learned Lord on the woolsack; because then he (Lord Beaumont) might be able to say, like the noble and learned Lord (Lord Campbell), that he would vote for them by faith, and not upon his own reason.

THE LORD CHANCELLOR thought it was somewhat irregular, when their Lordships were in Committee on one Bill, to discuss the principle of that Bill and of another measure which was not at the moment before them. The noble Lords who had spoken had, almost without exception, treated this Bill as if it had only one object—the enactment of the 37th clause—while the Bill contained no less than 140 clauses. Even assuming the 37th clause to be ever so objectionable, that was not the proper time for its discussion. He considered that this Bill was a most excellent measure, its object being to consolidate, and to reduce into an accessible form, the laws relating to landlords and tenants in Ireland. He was unwilling, at that stage of the proceedings in Committee, to make any observations with respect to the objectionable clause—the 37th. He might remark, however, that no one could be enamoured of retrospective legislation. When such legislation was necessary, every one felt that it was a violation of general principles which nothing but the most urgent necessity could justify. The question was, then, whether in this case, such a necessity did not exist, and, if so, whether that necessity had not been met in the least objectionable mode, and to the least objectionable extent?

The Earl of CLANCARTY observed, that the subject of this Bill was one which affected most seriously the interests of landlords and tenants in Ireland, and yet several Members of the Committee to whom the consideration of the question had been referred had successively expressed their opinions of the measure in terms which showed that it did not receive their cordial approbation. Even those who did recommend the Bill recommended it on the principle of a compromise. He had hoped, however, that when the Government came forward with a measure which called upon their Lordships to violate the great fundamental principle of property, it might have been advocated on more satisfactory grounds than as a mere compromise. He greatly regretted that the labours of the Committee had resulted in the proposal of a Bill with regard to which so little unanimity seemed to exist among the Members of that Committee; but he also felt bound to say that there was great ground for congratulation as to what had been done. There had for some time past been great agitation in Ireland as to the relations between landlords and tenants; and, although he believed the expectations of those by whom that agitation had been fostered had been egregiously disappointed, he thought it was a matter of congratulation that the agitation had led to the more general diffusion of information on the subject. The Government itself had acknowledged that by withdrawing their Bill of last Session, which was nothing more nor less than a Bill for the confiscation of property. He trusted that their Lordships would not give their assent to the objectionable provisions of this measure.

The Earl of DESART said, the statement of the noble Marquess of the inoperative character of the objectionable clause, protected as it was by so many checks, would cause it to be rejected from the Bill.

Clause *agreed to;* Clauses 2 to 36 *agreed to.*

On Clause 37,

The Marquess of BATH said, he was anxious to address a few words to their Lordships with regard to this clause, which was the most important contained in the Bill, and deeply affected the interests of the landed proprietors of Ireland. The effect of the clause would be to enable the tenant to claim compensation from the landlord for buildings he might have erected on his farm, uncovenanted for by his lease and without the consent of his landlord. What was this in effect but taking the property from one man and giving it to another? That which was the landlord's to-day would, on the passing of this Bill, become the property of the tenant; and he appealed to their Lordships, therefore, whether this was justice or law. It was said that one consequence of the measure would be the immediate suppression of the agitation in Ireland for tenant-right, and that a small sacrifice was advisable to obtain so great a benefit. But if the injury to the landlord was really so small as had been represented, would not the advantage to the tenant be equally small? So far from preventing, he believed the Bill would encourage agitation—that it was a direct encouragement to the orators of the tenant league and the Popish priests to go forward in their advocacy of tenant-right. He thought that their Lordships, by accepting this clause, would destroy the only ground upon which a stand could be made in opposition to Socialism and Radicalism. But it was not too late, even at the present moment, to reject the clause upon the high principle which formed one of the greatest features in the English Constitution—respect for private property. Let the Bill, with this clause in it, become law, and it was not alone the landlords of Ireland that would suffer, for there was no argument that could be adduced in favour of the clause that did not apply with equal, if not greater force, to England or Scotland; and how, he should like to know, would the House receive such a measure for either of those countries? Indeed, the arguments for the introduction of such a clause would apply with double force in this country; for whereas in Ireland they had a wretched, pauperised, unimproving, and unintelligent tenantry, here in England they had respectable, conscientious, and good men, with capital, energy, and industry, to cultivate the soil; and if there were any body of men deserving indulgence it was they, and not the Irish tenantry. But were noble Lords who talked of this Bill as if it would put an end to the tenant-right agitation in Ireland, aware of what that agitation was designed to attain? He had recently received a newspaper which contained the report of a tenant-right meeting in the county of Down, at which a resolution was unanimously adopted, setting forth, as the basis on which that agitation was founded, that whereas the land in Ireland was originally granted by the Crown to persons whose representatives the present landlords were, and all the improvements that had since been made on the land in that country had been made by the tenant with his capital and labour, and not with the capital or labour of the landlords, therefore the tenant was entitled to all the improvements and all the wealth that his capital and labour had created, whilst the landlord was entitled only to a rent-charge equivalent to the value of the property originally granted to him. He asked their Lordships were they prepared to assent to such a principle as that? They must pursue no middle course: Parliament must either take its stand on the principles of justice, of law, and the Constitution, or, by making such a concession as this, place fresh powers in the hands of the tenant-right agitators, who, he believed, would never rest satisfied until they had obtained the whole extent of their demands, which were the absolute confiscation of the land of Ireland. They would consider this Bill a mere trifling with their just rights, and as ridiculing their pretensions; but they would accept with joy the concession of the principle involved in this clause. It would be to them a justification for future and renewed agitation upon the same subject. And regarding the clause as fatal in its principle and disastrous in its results, he begged to move its omission from the Bill.

THE EARL OF DONOUGHMORE admitted that the clause was indefensible in point of law, and opposed to the dicta which had long been regarded as sacred by noble and learned Lords in that House. But he denied altogether that it was contrary to justice. Nay, in his opinion, it was not only just, but scarcely just enough; for it did not go the length he wished to see it, in securing to the tenant either the enjoyment or the value of the improvements he had effected without any consideration on the part of the landlord. It was a maxim of law that whatever was annexed to the freehold went with the freehold; but no man who nourished in his breast the principles of justice and equity but would admit that whatever a man had made or created by means of his own money, skill, and industry, ought to be his property. The endeavour of the Committee in drawing that clause had been to reconcile that principle as far as they could with the common law of the land; so strictly, indeed, had they guarded this principle, that his only regret was that it was so narrow that there were cases of justice and of right that it would not meet. His noble Friend (the Marquess of Bath) had alluded to the tenant-right agitation in Ireland. Now that agitation was generally admitted to be of two kinds, and proceeding from two different sources. One of these was promoted by the tenantry of the north of Ireland, the greater part of whom consisted of persons professing the Presbyterian religion, and the movement was headed in some measure by ministers of that faith. The other was set on foot by the Roman Catholic priests, supported by a not very large or respectable body of the farmers of the south and west. He quite agreed with the noble Marquess that no legislation regarding property which this House could ever sanction would satisfy the latter class of agitators. Their object was not to obtain justice or right for the tenant, but to give to the tenants who were members of their flocks such a hold on the land as to prevent emigration and keep them at home, and thus maintain their own power and influence; and that object could only be attained by making the landlord a rent-charger on his own estate, and giving perpetuity of tenure to the occupier. The other class of persons who agitated for tenant-right were of a very different character, and proceeded upon totally different grounds. They had vested their capital in the improvement of the soil upon a kind of customary right, the nature of which was vague, little understood, varied in different counties, and even in different parishes and towns, and was not recognised by law. That right, however, for a very considerable time, had had a substantial existence; and when the famine of 1846 occurred, and

Ireland was plunged into great distress, these persons fancied they saw that they had lost the security for their holdings. They, therefore, agitated, and he did not wonder that they did so, for the purpose of obtaining a legal recognition of this customary right. Now, this party, he believed, would be satisfied with the present measure, and for this reason—they knew that their claim had been solemnly submitted to a Select Committee of their Lordships' House, and that it had been carefully and conscientiously inquired into for a considerable period; and they would be satisfied that the customary right which they had enjoyed, and still enjoy, and which the Bill did not diminish, could never, from its very nature, be made legal. They would be satisfied at their Lordships having shown a disposition to inquire into the subject, and, seeing that a Select Committee had decided that it was impossible, with a due regard to the rights of property, to render that customary right legal, they would be contented with the clause which was now under their Lordships' consideration, and at once abandon the agitation.

The Earl of DESART objected to the clause as being a violation of the rights of property, and as involving a sacrifice of principle without obtaining any good end. It seemed to him that the cases which had been spoken of where tenants had made large improvements under a vicious system were exceptional ones, and that they did not apply to that class of improvers who had recently done so much. Did their Lordships think that capitalists would lay out their capital upon land without taking advantage of those securities which the law allowed, or that they would wish for legislative interference? So far from it, he believed they would much rather be left to make their own agreements and contracts. A tenant who entered upon lands made a bargain, and knew exactly the circumstances under which he was placed, and he, therefore, acted on the knowledge that, after the expiration of the term of years during which he enjoyed his tenure, whatever he had built upon the land—houses, or fixtures of every kind—would be the property of the landlord. But by this clause they gave the tenant a sort of right over what he knew to be the property of the landlord. He thought they would gain little or nothing by the limitations in the clause, and they ran the risk, by inserting it, of increasing that agitation in which many persons in Ireland were only too anxious to embroil landlords and tenants. He thought a clause which armed tenants with powers such as this did ought not to pass.

The Earl of WICKLOW said, that, while he gave great credit to the noble Marquess (the Marquess of Bath) for the ability displayed by him in his argument, he was of opinion that the reasons advanced were insufficient to induce their Lordships to reject the clause.

Lord DUFFERIN congratulated the House and the country upon the conciliatory spirit in which this matter had been treated both by the House generally and by the noble Lords who opposed the clause. Though he could not entirely approve of this clause, he was prepared to forego his objections, and to consent to its remaining part of the Bill.

The Marquess of CLANRICARDE said, he hoped that the noble Marquess who moved the Amendment (the Marquess of Bath) would be induced to withdraw it.

The Marquess of BATH said, as it seemed to be the general wish of the House, he would consent to the withdrawal of his Amendment.

The Earl of CLANCARTY said, that though the claim was not recoverable in law, he thought that an equitable claim rested upon the landlord for compensation in particular cases. He, however, thought that the practical operation of the clause would be one of injustice to the landlord. He also thought that the limitation as to time was an injudicious introduction into the Bill. From the time of the Devon Commission down to the present day there had been a damaging agitation carried on upon this subject, which was calculated to give rise to expectations in the minds of tenants which could never be realised. He denied that there ever was an attempt made to wrest from the tenants their legitimate rights.

Certain verbal Amendments having been adopted.

Clause, as amended, *agreed to.*

Clause 38 to 115 *agreed to.*

On Clause 116, which requires the landlord of cottier tenants to keep the dwelling-house in repair, and provides that in case such dwelling-house should, by the landlord's default, be rendered unfit for occupation, no rent or compensation for occupation during the time it was in such condition should be recoverable.

The Marquess of CLANRICARDE remarked, that by the terms of the clause, if a tenant wilfully put his house out of repair—if he knocked down half a chimney, or a hole in the wall, or took the door off its hinges for a dancing party—he could prevent the landlord from recovering his rent. He never heard before of such a clause being inserted in a Bill.

The Earl of CLANCARTY thought the clause, if agreed to, might have a tendency to induce a tenant to commit wilful damage to the property of the landlord.

The LORD CHANCELLOR said, if the noble Earl had directed his attention to the next clause in the Bill he would have found, that so far from giving an encouragement to a tenant to commit wilful damage, it rendered him liable, if he did so, to summary eviction upon the order of two magistrates. These clauses of the Bill gave corresponding advantages and disadvantages. The landlord had more summary powers given to him than he possessed at present; and, on the other hand, before he could recover his rent, he must show that he had performed his duty in keeping the property in proper repair.

The Earl of MALMESBURY thought the clause, if agreed to, would lead to extensive litigation.

The Duke of ARGYLL said, that the only object of the clause, and of the clauses immediately following, was to hold out an inducement to the landlord to keep his tenant's cottage in repair, by giving him, in case of need, a summary power of repossession.

On Question, their Lordships *divided*:—Content 17; Not Content 10: Majority 7.

Remaining clauses *agreed to*.

Report of the Amendment to be received on *Monday* next.

POWERS OF LEASING (IRELAND) BILL.

House in Committee (according to order).

The Earl of MALMESBURY regretted that no noble Lord, learned in the law, had considered this Bill in the Select Committee; and he had thought it so absurd for persons unacquainted with the law to deal with such a measure, that he had ceased to attend the Committee when the Bill was discussed. Their Lordships, however, had had the advantage of hearing the opinion of a noble and learned Lord (Lord St. Leonards), who stated that he objected to nine-tenths of the Bill. For his own part he rejected all responsibility as to the measure. By certain of the clauses a most serious invasion was made on the important law of entail, which was entirely interwoven with our aristocratical and territorial institutions; and this measure, if passed, would no doubt be quoted hereafter as a precedent for altering the laws of entail in this country.

The LORD CHANCELLOR said, it might be true that the noble and learned Lord referred to had expressed strong apprehensions of this Bill; but if the noble Earl had heard the grounds of objection of the noble and learned Lord, he would not have said that the Bill was an invasion of the law of entail. How it could be deemed an infringement of the law of entail passed his comprehension. By that law a tenant in tail in England could now grant leases for twenty-one years, and this Bill said he might grant them for thirty-one years. The tying up of land would become an intolerable nuisance if it were not mitigated by the clauses introduced into settlements. He did not yield to the noble Earl in his desire to support the landed interest, the great importance of which he readily admitted; but which he believed could not and would not be sustained unless deeds of entail were coupled with clauses and enactments to make the maintenance of these entails consistent with the growing wants of mankind.

After a few words from the Marquess of Clanricarde,

The Earl of DONOUGHMORE said, although it had been stated that the noble and learned Lord (Lord St. Leonards) and some other law Lords considered the measure to be founded on unjust and illegal principles, yet there were Judges in Ireland of equal ability who highly approved of it. He should support the clause.

Amendments made: The Report thereof to be received on *Monday* next.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, May 18, 1854.

Minutes.] Public Bills.—1° Reformatory Schools (Scotland).

2° Real Estate Charges; Merchant Shipping; Merchant Shipping Acts Repeal; Wreck and Salvage.

3° Manning the Navy; Navy Pay, &c.

LAND TAX ASSESSMENT—QUESTION.

Sir HENRY HALFORD said, he

wished to inquire of the hon. Secretary of the Treasury whether the attention of the Government had been directed to the difficulties which had occurred in the collection of land tax in the hundred of Gartree in the county of Leicester? whether they were aware of the interference of the Board of Inland Revenue, tending to the increase of those difficulties? and whether there were any means in contemplation whereby the uncertainty of the law on the subject of the land tax assessment might be removed?

Mr. J. WILSON, in reply, said, that the state of the law upon the subject to which the hon. Baronet's question related, though for some time considered doubtful, had, by a recent decision of the courts of law, been made clear. The attention of the Government had not been drawn in particular to the case referred to; and, so far as he knew, the Board of Inland Revenue had not interfered in a manner to create difficulties, or to increase difficulties which might have previously existed; but it appeared that the Land Tax Commissioners for the hundred of Gartree had taken upon themselves to alter the assessment to the land tax from the legal assessment, as settled in the year 1798. The matter stood thus. The parties liable objected to pay upon the altered assessment; the Commissioners refused to receive payment upon any other, and the Board of Inland Revenue, upon being appealed to, had not thought it right to insist upon an assessment which they considered illegal. There was no necessity for any alteration of the law on the subject, as there was no doubt of the assessment of 1798 being the only legal assessment, and it would be illegal to enforce any other. If, however, the Commissioners thought differently, it was their duty to attempt to enforce payment according to their own interpretation of the law, and if they did, the Board of Inland Revenue would have to apply for a *mandamus*, calling upon them to raise the tax according to the legal assessment.

THE BURMESE WAR—QUESTION.

Mr. ESMONDE said, he begged to inquire whether it was intended to issue a medal to those troops engaged in the late Burmese war; and if so, when might its issue be expected?

Sir CHARLES WOOD replied that Her Majesty's sanction had been obtained some time ago for the distribution of medals to the troops who had been engaged in the Burmese war, and Mr. Wyon, the engraver, was now engaged in cutting the dye for them, but he could not say how soon they would be issued.

Mr. OTWAY: Then are we to understand that the right hon. Gentleman considers the Burmese war at an end?

Sir CHARLES WOOD: I am happy, for the satisfaction of the hon. Member and of the House, to be able to say that I this morning received a communication from the Governor General of India, in which he states that nothing can exceed the pacific character of the reports received by the Government of India from Burmah, and that the King of Ava is so entirely satisfied that peace will be preserved, that not only has he withdrawn all his own troops from the frontier, but has entered into an arrangement to supply our troops with all the wheat grown in his own country.

RUSSIAN SHIPS OF WAR IN THE INDIAN OCEAN—QUESTION.

Mr. APSLEY PELLATT said, he wished to put a question to the right hon. Baronet the First Lord of the Admiralty, whether any, and, if so, what instructions had been given to Her Majesty's vessels on the East India or other stations, for the protection of British whalers on the coast of Japan and Timor, against Russian war vessels now believed to be in those seas. There was great difficulty in effecting insurances except at very high premiums, in consequence of that belief, and he would suggest that some steps should be taken to relieve the owners from the additional expense thus incurred.

Sir JAMES GRAHAM said, it was not quite regular for the Government to effect the insurance of merchant vessels, but he had reason to believe that a very moderate premium would be taken. Owing to the perfect and good understanding between the French and English Governments, the naval forces of the two Powers on every foreign station, and on the China station in particular, were combined for the protection of the trade of both countries. He might further add that the Russian force in those seas was, as compared with that of either France or England, extremely small, and that from the accounts which had been received it appeared that the Russian ships were running about from one neutral port to another—now at Manilla and now at some other place—seeking shelter, orders having been given to keep a close watch upon them, which would undoubtedly be carried out.

THE CONVEYANCE OF CAVALRY TO TURKEY—QUESTION.

MR. FRENCH: Sir, I have given notice of a question which I wish to put to the First Lord of the Admiralty, whether, at a time when the British contingent force in Turkey is unable to take the field from the non-arrival of its cavalry, it is the fact that a screw-steamer, capable from its dimensions and accommodation of conveying an entire cavalry regiment, including horses, each voyage, and in a fortnight, to the seat of war, has been twice placed by its owners at the disposal of Her Majesty's Government; and, if so, whether his sense of public duty will admit of the right hon. Gentleman's stating to the House his reasons for declining to avail himself of the services of the *Great Britain*, when offered by Messrs. Gibbs and Bright?

SIR JAMES GRAHAM: I have endeavoured, Sir, to show that every information I can give consistent with what is due to the interests of the public service, I am at all times ready to give; but, I must say, I think I am entitled on this occasion to appeal to the House—and to protest against the form in which this question has been put upon the Votes, and through the medium of the Votes, circulated throughout the country. There are various assumptions in this question, all of which are unfounded. First, it is assumed that the British contingent now in Turkey is unable to take the field, from the non-arrival of its cavalry. On what ground that is put forward I am at a loss to conjecture, the fact being that that contingent is in all respects able to take the field and ready to execute any service the Government may direct. The second assumption is that a certain screw-steamer, capable of conveying an entire cavalry regiment including horses each voyage, and in a fortnight, to the seat of war, has been twice placed by its owners at the disposal of Her Majesty's Government. Now, it is quite clear that that statement refers to the *Great Britain*, but so far from that vessel being capable of conveying an entire cavalry regiment, which consists of 300 horses, with the full number of men and officers, it cannot convey more than 150 horses. A third assumption, which is included in this last, is that the *Great Britain*, if taken up by the Government, would perfect the voyage from this country to Constantinople in a fortnight. My answer to this is, that no steamer has ever yet performed the voyage in that time, the shortest period in which it can probably be performed being from eighteen to twenty days. Then as to the other assumption, that the *Great Britain* has been twice offered to the Government, that also is incorrect, for she has been offered but once. But then comes the point, why has the offer been refused? The reason is, that upon the whole, the terms demanded appeared to the Government higher than they had paid for other vessels of a similar character, and without entering into minute particulars, which I presume the House would not desire—I may say that it was not thought expedient on the part of the Government to hire the *Great Britain* on those terms.

REAL ESTATE CHARGES BILL.

Order for Second Reading read.

MR. LOCKE KING, in moving the second reading of this Bill, said, he regretted that the whole of the law, more especially the common law, relating to real property was so involved in technicalities and difficulties that but comparatively few men could understand it. Its subtleties, indeed, were so great and so cunningly devised that even professional men themselves very often could not comprehend them. The consequence had been for a great number of years that the public had suffered severely. Under the present state of the law, the heir or the devisee to a real estate which had been left to him mortgaged had a right to claim payment of that mortgage out of the personal estate of the deceased owner. From that system great hardships often arose; for it frequently happened that the whole of a deceased person's personal estate, which was all that stood between his widow and the younger members of his family and destitution, was entirely swept away in order to swell up still more the already disproportionate share of a single heir or devisee. What reason could there be for saying that the real estate was not to bear the onus which the owner himself had placed upon it by mortgaging it, but that this debt should be paid out of the whole personal property, leaving the family of the devisee in many instances destitute? Estates were frequently mortgaged in order to effect improvements in them, and the heir who succeeded to an estate, with its improvements, ought not to be able to throw the expense of making them upon the personal estate of the deceased owner, whose family might thereby be reduced to penury. It was said that every one knew the law, and that these inconveniences might be obviated if persons would make a will, but, unfortunately, great ignorance prevailed upon this subject. He would state one of the cases of hardship to which the present state of the law had given rise. A gentleman had left by will the bulk of his personal estate to his wife; he also possessed some real estate, which was heavily mortgaged, and which descended to his nephew; and if the nephew had not been an honourable man and effected a compromise, the whole of the property would have gone to him, as the mortgage would have been paid off out of the personal estate. Another case was that of a man who had purchased a freehold public-house for 1,500*l.*, mortgaged it for 800*l.*, and, after carrying on business for some time, died intestate, leaving a son and two other children. The son took out letters of administration, sold the personal property, and appropriated the proceeds to paying off the mortgage on the freehold estate which descended to him, while the other children were obliged to have recourse to the parish. All he proposed by this Bill was to prevent the heir or devisee of a real estate from claiming the payment of a mortgage on that estate out of the personal assets of the deceased owner. The second clause of the Bill was intended to enable the wishes of a testator, who desired that his real estate should be converted into personalty, to be carried into effect. He hoped the House would not object to the second reading of the Bill after the explanation he had given of its objects.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. MULLINGS said, he strongly objected to the Bill, as it now stood, for it might in certain cases go to disinherit the heir-at-law, which could surely never be the intention of the hon. Gentleman who had brought it in. According to the second clause, in certain contingent circumstances, so far from the heir-at-law taking that portion of the estate which was not converted, he himself, if not within the line of the next of kin, would lose the whole of his estate, instead of gaining it to the exclusion of others. If it was necessary that the law should be altered, let it be done by the Solicitor General; but the present Bill attacked a great and settled principle of law, which ought not to be altered by a measure of this kind, under the pretence of dealing with an abstract proposition. He should move that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Sir JOHN HANMER said, that the two clauses of the Bill related to two totally different subjects. He should vote against the whole Bill, because he did not think that it had been introduced in a plain and intelligible manner. The first part of it was well enough, but the second clause had no connection whatever with it.

The SOLICITOR GENERAL said, it was with him a matter of regret that the hon. Gentleman (Mr. Locke King) had not addressed himself to a much larger evil, of which the evil complained of in the first part of the Bill was but a portion—namely, the different rules that now existed in our laws touching the administration of real and personal estate. What the hon. Member had complained of was nothing in the world more than the result of one of those rules, because it was a rule of law that all the debts of a testator should be first paid out of his personal estate. If a man made a charge upon his real estate, and gave the estate to one of his children, devising it by will in the ordinary way, in nineteen out of twenty cases of that kind it would be found that he had given the estate *cum onere*, intending that the devisee should take it subject to the payment of the encumbrance. But the law said to the parties entitled to the personalty, "You have given a bond for the payment of that debt, among other liabilities of the testator, when you proved the will or administered in the Prerogative Court, and therefore you are bound to pay it." The same rule applied to the case of an intestate. It was an anomaly remaining in our law, and which had descended to us from feudal times, that in the administration of assets we must exhaust the personal before we had recourse to the real estate. He hoped to live to see the time when that rule would be abolished, and when all kinds of property would be equally applicable to the payment of the debts of a testator. But in the meantime he would be sorry to oppose any impediment to any suggestion for the removal of the existing evil; and he was by no means inclined to discourage legislation for that purpose, although it was directed to a portion, and not to the whole evil. It was impossible, however, for human legislation to meet all the obstacles in the way of settling disputes; they could lay down general rules with great care and precision, but the difficulty was to make them applicable in practice to every variety of case. He would therefore accede to the second reading of the Bill, on the distinct understanding that the second clause would require considerable modification in Committee before he could consent to it.

Mr. MALINS said, he did not collect from his hon. and learned Friend (the Solicitor General) that he intended to support the Bill when it got into Committee, and if it was not his intention to do so, it would be a waste of time to proceed further with it. The principles involved in the Bill were of the greatest importance. He would state to the House that for centuries it had been a settled rule of equity that a man who mortgaged his estate did not thereby manifest his intention to increase the liabilities on his personal estate, but that he did so for a temporary purpose; and the law now was that any man who desired to continue a debt on his real estate could do so by his will, and could, moreover, in that way pass that real estate in aid in the payment of his debts. He thought, when the hon. Member (M. Locke King) proposed so extensive an alteration in the law, the House would agree with him (Mr. Malins) that this was a subject which deserved the greatest possible consideration, and ought not to be dealt with in a hasty and casual discussion in that House, unless it had received the most careful consideration of those who were well conversant with the matter. He thought the House would be acting upon a sounder principle if it adhered to the settled rules of the law, rather than act upon the suggestion of any private Member of that House, who, not connected with the profession of the law, was unable to see the practical working of the measure which he proposed. Entertaining this opinion, he should feel it his duty to vote against the second reading of the Bill.

The ATTORNEY GENERAL said, he agreed with his hon. and learned Friend the Solicitor General in approving of the first clause and disapproving of the second clause of this Bill. It was quite clear that the law, as it at present existed, was susceptible of improvement by the Bill before the House, and for that reason he should vote in favour of the second reading. At present the law undoubtedly operated very hardly upon individuals who could look only to the personalty of a deceased man for any provision for themselves. The members of a family frequently found that the personal estate was swallowed up by charges upon the real estate, while the real estate went to the heir-at-law.

Mr. LOCKE KING briefly replied.

Question put, "That the word 'now' stand part of the Question."

The House *divided*—Ayes 166; Noes 124; Majority 42.

List of the Ayes.

Anderson, Sir J.
Atherton, W.
Barnes, T.
Bass, M. T.
Beamish, F. B.
Beckett, W.
Bell, J.
Bellew, T. A.
Berkeley, Adm.
Berkeley, C. L. G.
Bethell, Sir R.
Biggs, W.
Blackett, J. F. B.
Bland, L. H.
Bouverie, hon. E. P.
Bowyer, G.
Boyle, hon. Col.
Brady, J.
Bright, J.
Brotherton, J.
Brown, W.
Cardwell, rt. hon. E.
Cavendish, hon. C. C.
Cavendish, hon. G.
Chambers, T.
Chaplin, W. J.
Cheetham, J.
Clay, Sir W.
Clifford, H. M.
Cockburn, Sir A. J. E.
Collier, R. P.
Craufurd, E. H. J.
Crossley, F.
Dalrymple, Visct.
Davie, Sir H. R. F.
Denison, E.
Devereux, J. T.
Drummond, H.
Duncan, G.
Dunlop, A. M.
Ellice, rt. hon. E.
Elliot, hon. J. E.
Esmonde, J.
Ewart, W.
Fagan, W.
Feilden, M. J.
Ferguson, J.
FitzGerald, Sir J.
Fitzroy, hon. H.
Forster, J.
Fortescue, C. S.
Fox, R. M.
Fox, W. J.
Franklyn, G. W.
Freestun, Col.
French, F.
Gibson, rt. hon. T. M.
Glyn, G. C.
Goderich, Visct.
Goodman, Sir G.
Graham, rt. hon. Sir J.
Greenall, G.
Greene, J.
Gregson, S.
Greville, Col. F.
Grosvenor, Lord R.
Grosvenor, Earl
Hadfield, G.
Hall, Sir B.
Harcourt, Col.
Hastie, Alex.
Hastie, Arch.
Hayter, rt. hon. W. G.
Heard, J. I.
Herbert, H. A.
Herbert, rt. hon. S.
Hindley, C.
Horsfall, T. B.
Howard, hon. C. W. G.
Howard, Lord E.
Ingham, R.
Johnstone, Sir J.
Keating, R.
Kennedy, T.
Kershaw, J.
Kinnaird, hon. A. F.
Kirk, W.
Langston, J. H.
Langton, H. G.
Lee, W.
Lindsay, W. S.
Luce, T.
Mackie, J.
Mackinnon, W. A.

M'Cann, J.
M'Taggart, Sir J.
Maguire, J. F.
Martin, J.
Matheson, A.
Milligan, R.
Milner, W. M. E.
Milnes, R. M.
Michell, W.
Mitchell, T. A.
Moffatt, G.
Molesworth, rt. hn. Sir W.
Monck, Visct.
Monsell, W.
Morris, D.
Mulgrave, Earl of
Norreys, Lord
North, F.
O'Brien, Sir T.
O'Brien, C.
O'Connell, D.
O'Connell, J.
O'Flaherty, A.
Oliveira, B.
Palmerston, Visct.
Patten, J. W.
Pechell, Sir G. B.
Pellatt, A.
Percy, hon. J. W.
Perry, Sir T. E.
Phinn, T.
Pigott, F.
Pilkington, J.
Pollard-Urquhart, W.
Potter, R.
Price, W. P.
Ricardo, O.
Robartes, T. J. A.
Roebuck, J. A.
Rumbold, C. E.
Russell, Lord J.
Russell, F. W.
Scholefield, W.
Scobell, Capt.
Scully, F.
Scully, V.
Seymour, W. D.
Shelley, Sir J. V.
Smith, J. A.
Smith, J. B.
Stafford, Marq. of
Stanley, hon. W.
Stirling, W.
Strickland, Sir G.
Strutt, rt. hon. E.
Sullivan, M.
Swift, R.
Thesiger, Sir F.
Thicknesse, R. A.
Thompson, G.
Vernon, G. E. H.
Vernon, L. V.
Villiers, rt. hon. C. P.
Vivian, H. H.
Walmsley, Sir J.
Watkins, Col. L.
Wilkinson, W. A.
Williams, M.
Williams, W.
Wilson, J.
Wyvill, M.
Young, rt. hon. Sir J.

TELLERS.
King, hon. P. J. L.
Massey, W. N.

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *Tuesday* 30th May.

CONVENTUAL AND MONASTIC INSTITUTIONS—

ADJOURNED DEBATE (FOURTH NIGHT).

Order read for resuming Adjourned Debate on Amendment proposed to Question [30th March], " That Mr. Walpole be one other Member of the said Committee," and which Amendment was to leave out from the word " That" to the end of the Question, in order to add the words " the further nomination of the said Committee be proceeded with upon this day six months," — (*Mr. Lucas*) — instead thereof:

Question again proposed, " That the words proposed to be left out stand part of the Question."

Debate *resumed.*

MR. NEWDEGATE said, the House had now arrived at the point from which the discussion of this question had been broken off on a previous day. Since then circumstances had occurred of a grave character—the hon. Member for Hertford (Mr. T. Chambers) had deferred his Motion in order that the House might have in their hands the Report of the Committee on Public Business. It was important to have the opinion of that Committee, because the state of the notice paper, with six or seven notices of Amendment or adjournment, proved that the opposition to the proposal of the hon. Member for Hertford by certain Irish Members had assumed a phase of procrastination and delay, by which it was competent to a minority of the House, if they chose to abuse and pervert the forms of the House, to bar the progress of the majority on inquiry into any subject, and to render inquiry by a Select Committee impossible. It was clear from recent circumstances connected with the subject before the House and analogous subjects, that it was in the power of the minority to coerce and render inoperative the action of the majority. Those, therefore, who were anxious for this inquiry, looked with anxiety for the Report of the Committee which had been appointed to consider the business of the House, thinking it impossible that the Committee should not notice the strange proceedings that had characterised the treatment of the subject of these conventual and monastic institutions in two Sessions, and in two Parliaments. That Committee had had the ablest advice; it had examined the Chairman of the Committee of the whole House, and the officers of the House of Commons, and it had had the advice of Mr. Speaker as to the changes which were deemed expedient. The witnesses, including Mr. Speaker, were unanimous. Evidence was given that some change was necessary in the first place as to the power of individual Members moving the adjournment of debates or of the House, and raising almost interminable discussions upon these Motions for the purpose of delay, and a change was also suggested as to the manner in which Select Committees were appointed. The witnesses were unanimous in recommending the appointment of a Committee of Selection, representing within itself the various parties and opinions prevalent in the House, whose functions it should be to nominate Select Committees, of from eleven to fifteen members, to consider and examine any subjects referred to them by the House, and that such nomination should be final. The Committee further recommended that the House should have by its majority the power of terminating factious debates, raised for the purpose of mere delay, and to defeat the action of the majority, by measures equivalent to the "clôture," which had been adopted by the French Assembly, or the call for a division upon the previous question, without debate, as adopted by the Senate and Assembly of the United States. To his surprise and regret, although certain recommendations of this character were embodied in the draft of the Report, proposed by the Chairman of the Committee (Sir John Pakington), they were rejected by the Committee, which confined its recommendations to some minor matters of detail. They recommended no change which would relieve the House from being at the mercy of a minority. Now, as the Committee had recommended no change, he conceived that it was not possible for the hon. Member for Hertford to proceed with his Motion for an inquiry into the state and relations of these monastic and conventual establishments, more especially as it had been proved that those for whose satisfaction the inquiry was instituted were the most determined opponents of all inquiry. How could the hon. Member hope to satisfy those who were determined not to tolerate inquiry? He, therefore, recommended the hon. Member to change his mode of proceeding. ["Hear, hear," *and cheers.*] He was far from participating in the feeling which dictated that cheer, for he regretted anything that was likely to bring the proceedings of that House into contempt. He was convinced of this, that if the majority of the House were to continue struggling against the power of a minority exercised by abuse of its own forms, without altering its forms and freeing its action, it would be subjecting itself to inconveniences and to aspersions which would be most detrimental to the character and authority of the House, and to the stability of the institutions of the country. He thought the hon. Member for Hertford would be doing his duty, not only to the subject, but to the House, by relieving it from a position so anomalous as that in which it now stood—paralysed, as it was, by the action of the minority. Let the House consider how they would stand if the minority chose to press its privileges with regard to every one of the fifteen or sixteen names composing the Committee, by getting up a debate on every name. They would have fifteen or sixteen subjects of debate, they would have the merits or demerits of every one of the Members whose names were proposed to form the Committee to inquire into the Conventual and Monastic Institutions discussed with all the acrimony and personality which Irish eloquence could impart. Before the present organisation of the Irish Roman Catholic Members—before the action of the Court of Rome was brought to bear directly upon their conduct in 1850, their conduct had been other than it now was. Since then the House had to lament a totally different system of action on the part of the Roman Catholic Members. Formerly the good feeling of the House was always sufficient to restrain the abuse of this privilege, which the organisation of the Irish Roman Catholic Members now encouraged them to practise. He regretted to see this different state of things—he regretted to see this organised system, alien to the House—he regretted that a band of Members returned to that House, nominally by their constituents, but really by the priesthood, and that priesthood the agents of a foreign Power, were united to defeat the action of the House by the abuse of its forms. Sooner or later the House would find it necessary to adapt their forms to the change of circumstances which this change in its own elements necessitated. He hoped, therefore, the hon. Member for Hertford would change his mode of action; he trusted that he would embody his proposed legislation in a Bill, and bring it before the House, because, then, at least, they would have some chance of limiting the debate to the subject under consideration. As matters were proceeding at present, they had nothing but discursive debates, and he might say Irish rows, which were irritating to the House, and disgusting to the country. The real question was, whether the House would permit itself to be dictated to by a minority, acting under an alien influence, for there could be no fairer or more legitimate subject of inquiry than that now before the House, in favour of which the majority of the House had over and over again recorded its decision. There was an attempt to increase these conventual establishments most enormously, and to exempt them from the operation of the law of England. At present monastic institutions were entirely illegal, but by neglect and carelessness on the part of the law officers of the Crown, if not by their connivance, these illegal establishments were increasing in defiance of the law. With regard to conventual establishments the case was in some degree different. They were permitted by the Act of 1829, but he did not think that the framers of that Act ever contemplated that such an increase of them as was now witnessed would take place; they probably calculated on not much, if any, more than the continuance of those then in existence. They had been deceived. All who had read the history of other countries and the history of the Church of Rome for centuries, knew that when these establishments increased, some supervision by the civil magistrate was necessary, and therefore they desired to cast round their fellow-subjects immured in them the protection of the law of England. There was reason to believe that the law was impotent for that purpose. The hon. and learned Member for Sunderland (Mr. W. D. Seymour) doubted whether it was so or not, and in the able speech which he made on a former day stated that neither the Habeas Corpus Act nor the 56th of George III. was framed in such terms as would enable them to reach this case, and he was of opinion that a declaratory Act was necessary. That was a point which he (Mr. Newdegate) hoped the hon. Member for Hertford, than whom no one was more competent, would include in the Bill to which he had referred. He would not dilate upon the importance of this subject, but he could assure the House that there was as deep a determination on the part of the people of England and Scotland to have the subject dealt with by law, as there appeared a determination on the part of the priests of Ireland to exempt these institutions from the operation of the law of England, to retain them subject to the canon law of Rome. Let not the Irish Roman Catholic Members flatter themselves that the representatives of Protestant England would abandon this question. It was an issue which could not lapse—it was an issue which must be decided; and he, for one, was quite determined to see it decided, and that in but one way, by the assertion of the supremacy of the law of England. This country was about to engage in a war for the defence of the independence of their ally from foreign dictation in matters ecclesiastical and civil. Did the Irish Roman Catholic Members think that they who supported the Government in extending that protection to a faithful ally would consent to see the independence of England itself invaded by any foreign Power? Hon. Members need not flatter themselves that by this abuse of the privilege of a minority they have escaped from the determination that was entertained to see this question settled in a manner due at once to the rights and privileges of the House, to the law of England, to the independence of the House, and to the privileges of the Imperial Crown, which, thank God, was placed on the head of so worthy a Sovereign. In that House there appeared to be a unanimity of action among the Roman Catholics on this subject, but when they assembled in large meetings in the country to consider this subject, there was no unanimity among them. There had been a large meeting in Dublin lately on this subject; that meeting was intended to be aggregate and unanimous, but in no sense was it so; it was disorderly and turbulent, and, considering the unworthy sentiments that emanated from some of the speakers, he would say that the cause of the difference among those who attended that meeting was far more creditable to some of them than the cause for which they had assembled. At that meeting, and at others, speakers had gone into ecstacies of zeal, or pretended indignation, against the insults which they seemed to suppose were intended the inmates of these conventual establishments by the inquiry under discussion. It was idle to pretend that any sensible man believed the allegations that were put forward, that there was a wish on the part of hon. Members in that House to outrage the feelings of the Roman Catholic ladies who inhabited, or were immured, in these convents. The character of the Gentlemen who supported the hon. Member for Hertford afforded a sufficient refutation of those calumnies. All this pretended delicacy, all this affected deference for the feelings of these ladies, was but an empty plea, a mere subterfuge. The real question at issue was no other than this: whether the Court of Rome should be permitted to establish an *imperium in imperio* within this kingdom; whether it was to be allowed to set up *ad libitum* these peculiar institutions, and to exempt them from the operation of the law of England, and keep them, and the inmates of them, subject to the canon law of Rome. Over and within these numerous and increasing establishments the canon law of Rome was supreme; from them the operation of the law of England was excluded; that was a state of things to the continuance of which the Parliament and the people of England would never consent.

Mr. BRIGHT said, that he had never before troubled the House with any words on this subject. From the speech of the hon. Member who had just sat down, he gathered that the hon. Member for Hertford (Mr. T. Chambers) was about to withdraw his Motion, and that a Bill was to be introduced instead, embodying the views of those who were anxious for this inquiry. The hon. Member had spoken of the acrimony of Irish eloquence. He (Mr. Bright) would say nothing about the eloquence that came from the hon. Member for North Warwickshire, though he could say a great deal about the acrimony which the hon. Member had imported into his speech. He thought it would have been difficult for any Member to make a speech more calculated than the one they had just heard to insult a large number of the Members of that House. The hon. Member had spoken of Irish rows, and of the acrimony and eloquence of Irish Members sitting in that House—not from the will of their constituencies, but of the priesthood, who were the instruments of a foreign Power. Now, he (Mr. Bright), as an English and Protestant Member, entirely repudiated the principles and policy upon which the hon. Member had dared to make use of such language towards any Members of that House. They came equal in their powers into that House to consider and discuss whatever was brought before them, and it would be just as reasonable for the Members from Ireland and those who belonged to the Roman Catholic Church to retort on the hon. Member for North Warwickshire the charge that he owed spiritual obedience to the Bench of Bishops, placed his belief in the Book of Common Prayer, and assented to that most monstrous proposition that the Sovereign of this country, whoever he or she might be, should be the head of his Church, and dictate the faith which he was to hold. The hon. Member complained that a minority should dictate as to the appointment of this Committee; but a minority was only omnipotent under the forms of the House when a majority attempted to do that which was improper. The hon. Member talked of a minority in that House, but there were in the United Kingdom 6,000,000—taking every man, woman, and child—who supported the opposition to the proposal for a Committee which the minority in that House maintained. That minority was acting in harmony, not with a majority only, but with the unanimous body of the Roman Catholic population, and they had a right to make use of all the forms of the House to prevent the members of another faith from insulting the faith to which they belonged. He expressed no opinion whatever on the nunneries question—he never had; but he knew that those successive Motions, under covert of which they insulted the Roman Catholic people of the United Kingdom, came there, not because those who promoted them were in favour of personal liberty or the freedom of any class of their fellow-countrymen, but they came there stimulated by a body out of doors, who might be actuated by an honest, but by what was certainly a mischievous fanaticism and hatred of the Roman Catholic population of the United Kingdom. Then, the hon. Member for Hertford was asked by the hon. Member for North Warwickshire to withdraw his Motion for a Committee and substitute a Bill. But they had a Bill of the hon. Gentleman's during the last Session, and he did not get on with the Bill much better than he has got on with the Committee, and it was because the House found that there was no case for the Bill that the tactics were changed, and a Committee of inquiry proposed. It was hoped, by groping into every channel and every sewer, to make out a case in favour of a Bill; but surely, after the case for a Bill had already failed, and the proposal for a Committee of inquiry had been resorted to, the House would not permit the hon. Gentleman to go back again to a Bill, if it was at all of the nature such as he had introduced last Session. Therefore, he took it for granted that, if the hon. Gentleman withdrew his Motion, he would not make another on the same subject. He did not charge the hon. Member for Hertford with entertaining any personal ill-feeling towards the Roman Catholic Members of that House, or the members generally of the Roman Catholic religion. He believed that he was actuated by as good and just intentions as those which guided his own conduct. He assumed that the hon. Gentleman thought inquiry exceedingly desirable, and that he also thought the introduction of a Bill desirable. He would also assume that he obtained the very utmost advantage from these measures that he could ever hope for; but he must be sensible that on the other side of the account there must be a great amount of mischief and fanaticism, and great evil done by exciting in the Catholic mind the feeling that the English Parliament delighted far more in the exaltation of Protestantism and the forcible depression of the Roman Catholic religion than it did in doing equal justice to all classes of the people. Then, look at the bitterness of feeling created in that House—and, having taken all this into consideration, he wanted to know if the hon. Member for Hertford could believe that the balance of advantages to the Government, to the people, to the religion, and even to the Protestantism of this country, could by any possibility be with him in the course he was now, and had been pursuing? He knew that as long as there was an Established Church there must be occasional discussions in that House on Church matters and ecclesiastical affairs; but he earnestly implored the House to consider if it would not be better for all of them if they never introduced into the House these sectarian questions? They tended to enfeeble the House; they tended to break up the cordiality that ought to exist among the Members of that House; and, though they might be on an average more educated and intelligent than those for whom they made the laws, they might depend upon it these things were never discussed there without calling forth, unfortunately, the worst feelings out of doors, and stimulating passions that every lover of the Crown, the Government, and the country ought to deplore. He would admit, for the sake of argument, that there might be some small quantum of advantage either in a Bill or in a Committee of inquiry; but he would at the same time ask if there had not been already far greater evils caused to the country than could be counterbalanced by any good that could come from following either of these courses? He therefore implored the hon. Gentleman (Mr. T. Chambers), if he withdrew this Motion for a Committee, to wash his hands clear of the whole question, and never let them hear of it again. As a zealous Protestant, let him join with other zealous Protestants out of doors in spreading information and knowledge among all classes of the people, so that, if they really were under the domination of a priesthood, they might escape from it in the same way as the hon. Gentleman himself had escaped from it. He trusted the time would soon come when that House would give no countenance to these sectarian and religious discords, when all bitterness and strife would cease throughout the land, and when, although differing as we always must do on religious questions, we should live together in perfect harmony and toleration.

Mr. COLLIER said, he rose to express the great difference of opinion which subsisted between him and his hon. and learned Friend on this question. [Mr. Bright: I am not learned.] He begged pardon for the phrase, and supposed he must, in that case, say his not learned Friend. He differed from his hon. Friend in thinking that on any question whatever a minority ought to override a majority of that House. He ventured to think that if a precedent of that kind were to be established at any time it would be fraught with the most serious consequences. Why should a majority of that House not be allowed to decide on all questions that came before it? His hon. Friend said that the majority in this case was wrong; but were the minority to constitute themselves the judges? It should be recollected, too, that the majority in that House was supported by a large party out of doors. They all knew what difficulties a private Member had to contend against who sought the appointment of a Committee. With a little help from fiction, an interesting narrative might be drawn up of the adventures of an independent Member in search of a Committee. But his hon. Friend (Mr. T. Chambers) had overcome this difficulty. He had got this Committee; and why was his triumph to be interfered with by the dictation of a minority? He felt it his duty to protest against the doctrine advanced by the hon. Member for Manchester. Suppose, for one moment, that the majority had been obtained by the Government, and that it had been defeated by a factious opposition on the part of those who objected to the appointment of the present Committee, they all knew what thunders of indignant eloquence would be heard from the Treasury benches, and what crushing invectives would be hurled by the *Times* at the heads of the Irish brigade. He was at a loss to know why a majority of that House was less to be respected when it affirmed the proposition of a private Member than when it affirmed the proposition of the Government. He wished, in conclusion, to address one observation to the Irish Members. He did not express any opinion upon the question whether there was or was not anything wrong in those convents and nunneries. It might be that no priests were allowed to enter these institutions; it might be that the ladies who resided in them were confined with their own consent, but what he said was, if there was nothing wrong, why this horror of inquiry—why this dread of investigation? It did seem to him that the country would draw stronger inferences against these establishments from the refusal of this Committee, than it would do from any investigation which might be instituted under the authority of Parliament. He hoped the House would not allow the minority to override the decision at which the majority had arrived after full and ample discussion.

MR. J. BALL said, he should have been well pleased to allow this debate to terminate after the admirable observations of the hon. Member for Manchester (Mr. Bright); but he thought it right that one of those Roman Catholic Members who had not offered an obstinate resistance to the proposition of the hon. and learned Member for Hertford (Mr. T. Chambers) should protest in the strongest manner allowed by the rules of that House against some of the remarks of the hon. Member for North Warwickshire (Mr. Newdegate). That hon. Gentleman, who deprecated acrimony, had thought proper to make a charge against those hon. Members who belonged to the Roman Catholic Church, to the effect that they acted under what he dared to call an alien influence. He could not tell what were the feelings of the hon. Gentleman himself, or upon what principles he regulated his own conduct, but certain he was that the vast majority of men, of every party and creed, would always resist that description of intrusion upon the sanctities of the domestic circle which had been attempted to be carried out by the hon. and learned Member for Hertford. He did not intend to enter into the general merits of the question before the House; but he might be permitted to remark that, if the House now found itself in a false position, unable to proceed with the appointment of the proposed Committee, the blame was to be attributed more to the hon. and learned Member for Hertford than to those hon. Members who had considered it their duty to oppose his proposition. Almost every day private Members succeeded in obtaining Committees—the hon. and learned Member himself had very recently succeeded, after a division, in obtaining a Committee; but his present attempt had failed, because there never had been so audacious an endeavour made to pack a Committee, to obtain an unfair advantage, to place upon the Committee men who were known to have their minds made up, and who would pay no regard whatever to any evidence which might be brought before them. [*Cries of* "Oh, oh!"] Why, it was notorious that the Mover of the Committee had placed upon the list the names of hon. Gentlemen who were the habitual attendants of those meetings at which the most insulting and condemnatory language was used with reference to convents and monasteries. The hon. Member for Manchester had well pointed out that the powers of minorities were limited; that minorities, in fact, were powerless, unless it was felt that they stood upon solid ground. In the present instance the minority was powerful, because it was supported, not only by a large party out of doors, but also by the sympathy of Protestant Gentlemen in that House. Very lately a distinguished Member of the House said to him that he thought the Roman Catholic Members would be justified in using any privilege that the rules of the House permitted, sooner than consent to the appointment of the proposed Committee. He therefore hoped that they had heard for the last time of a question which ought never to have been brought under the consideration of Parliament.

MR. FREWEN said, that the hon. Member who had just sat down had spoken of the violent language which had been used at public meetings by those who were friendly to this Motion for an inquiry into convents and monastic institutions. He begged, on the other hand, to call the attention of the House and the Government to language which was reported by the newspapers as having been used at a public meeting only on Tuesday last. It was stated that a meeting of the Roman Catholic laity resident in London had been held at the Metropolitan Catholic Institute, Bishopsgate, for the purpose of affording them an opportunity of expressing their opinions upon the threatened interference with the religious orders of their church. A Mr. Kertschener moved the first Resolution, which affirmed that—

> "The inquiry proposed by Mr. Chambers was wholly uncalled for, was a gross violation of domestic privacy, and an insult to the Catholic body generally, and an insult to the members of the religious houses, their relatives, and friends."

And then a Mr. Wharton, in seconding this Resolution, made use of this language—

> "The Catholics of England would not submit to such insults as had proceeded from Prince Albert,

> and if they were persisted in, their hopes must be directed to another quarter, and they must look for help to one who had manifested the greatest interest in the progress of the Catholic faith—he alluded to the Emperor Napoleon. If moral means were not sufficient, the Catholics must resort to physical force to prevent interference with their religious orders, which alone were able to wrestle with the villanies and vices of the day."

He (Mr. Frewen) was not aware if this language, which had been used with reference to the husband of our Sovereign, had been brought specially under the notice of the noble Lord the Secretary of State for the Home Department; but he hoped the noble Lord would take the earliest opportunity of inquiring into it, and calling this Gentleman to account for the language which he was reported to have used on the occasion referred to.

MR. T. CHAMBERS said, he would not trespass long upon the attention of the House, but he wished to say a few words in explanation of the position in which he and the question now stood, and of the course which he meant to take. All he intended to do was to state the reasons that had influenced him in taking the course upon which he had resolved, namely, to discontinue the attempt to form this Committee and for the present abandon the inquiry. He had resolved to take that course after the most anxious consideration of what it became him to do with reference to the question itself, with reference to those who took a deep interest in the issue involved, and with regard also to the respect and deference which he owed to the decision of that House — a decision arrived at by a large majority, in a very full House, after a lengthened debate and the most careful consideration. He had received advice from many quarters which he felt it difficult to refuse, and yet impossible to assent to. He felt that the position in which he stood with reference to the question was a difficult one. If a Minister of the Crown proposed a measure, he brought it forward on his own personal responsibility as a Minister, and with the sanction of the reputation, position, and character of the Minister and of the Government with which he was connected. And although a proposal brought forward under such auspices might be affirmed, as in his case, by repeated majorities, it would not be extraordinary if circumstances should arise to induce the Government to withdraw the measure. They would withdraw it on the authority, and with the weight of a Government. But the analogy did not hold with reference to a private Member. In the present instance, for example, one of the charges brought against his proposal was, that it had been made by an obscure and insignificant Member. Now, he pleaded the fact that he was an obscure and insignificant person who brought forward this proposition as a proof that it must have been assented to on its own simple and substantial merits. His very obscurity and insignificance were arguments in favour of the reasonableness and justice of the measure. But he held that, such circumstances as he was now placed in, with his proposal repeatedly sanctioned by the House, a private Member had not such full property over the Motion which he had introduced, and which had been so received, as a Member of the Government in similar circumstances would possess. He held that this question was now the property of the House, which had adopted it. Whether it was a wise or an unwise proposition, the House had decided upon it, and his connection with it was now almost a formal connection. He was not justified in acting as he might have done before he brought the subject forward. It was then optional on his part to deal with the question or otherwise, as he might think right; but, having brought it forward, a deference to the decision and a regard to the wishes of the House became his plain and distinct duty. He agreed in thinking, notwithstanding the arguments adduced by the hon. Gentleman (Mr. Bright), that it would be impossible to establish a more fatal precedent than that that House was to bow to the opinion of a minority; but the reasons which had operated on his mind to induce him not to press further, just now, for the appointment of the Committee were, that, from the position in which the question was now placed, it would be literally, and absolutely, he might add, physically, impossible to go on with it this Session. He had listened attentively to all the arguments that had been used against him, but he confessed that he had not been convinced by any of those arguments; and the only reason why he had come to the resolution not to press the appointment of the Committee was, as he had just stated, that it was literally and physically impossible to proceed with it. A great deal had been said about the war and the inexpediency of bringing forward such a measure as this at such a time; but he had never thought that such considerations ought to weigh with him as to the withholding or pressing forward so important a question as that involved in the Motion which he had thought it his duty to submit to the House. He could quite understand that it might be convenient for those who opposed this Motion to seize hold of such an excuse for the purpose of arguing that the present was a bad time to consider this important subject, and that the doing so might irritate the feelings and even arouse the animosity of the Roman Catholic soldiery who were now engaged in defending the honour of this country. Yet the futility of this objection was obvious, for at this moment the Roman Catholic soldiers and sailors in the service of Her Majesty were nobly refuting the calumnies uttered against them by their indiscreet advocates in that House, and both by their doings and sufferings were giving the lie to the assertions of certain Roman Catholic opponents of this Motion, that it was indiscreet in a time of war to raise a question of this kind. With respect to what had been advanced by the hon. Member for Manchester (Mr. Bright) he could only say that, while he quite allowed the propriety of every one having the privilege of drawing his own conclusions on any subject he might think proper, yet, at the same time, he felt bound to dispute the premises of the hon. Member on the present occasion, the incorrectness of which he should have no difficulty in proving, if he had not promised the House not to enter at all on this occasion into the general question. He could not help saying, that the consideration of this subject had been met with a very unfair and factious opposition, and such as he should be very sorry to see often brought to bear against a *bonâ fide* Motion before that House. If any fair proposition had been made by the opponents of the measure, he should have been happy to consent to it, but, instead of this, all the Amendments which had been proposed were evidently framed not with the view of improving the Committee, but only with the view of defeating the proposed inquiry. That this was so it was only necessary to look at the different objections to particular names on the Committee; such as, for instance, the name of the right hon. Member for Midhurst (Mr. Walpole), to whose name, he thought, no one could fairly object, and yet against this right hon. Member's name there were six Amendments entered, of which notice had been given. Every Amendment, in fact, that had been made, or was proposed to be made, had in view the defeating of the Committee. By doggedly persevering in those Amendments, the Roman Catholic Members had undoubtedly succeeded in defeating, for the present, the object which he (Mr. T. Chambers) had in view. He regretted to say that, for the first time in the history of our legislation, the Government had given their sanction to the factious proceedings of a minority. Without the aid of the Government, the minority would not, in the present instance, have been able to defeat the object of the majority. He would now withdraw for the present from the further prosecution of this question, but he did not abandon it. He was perfectly satisfied that the hon. Member for Manchester had not correctly represented the feelings of the 6,000,000 of Roman Catholics in the United Kingdom with reference to this question. He was satisfied that many of the Roman Catholic laity coincided, to a great extent, with him (Mr. T. Chambers) on this question. [*Cries of* "Oh, oh!"] But, whether that was so or not, he was perfectly satisfied that the country would persist in demanding that some legislative inquiry, with a view to some legislative enactment, should take place with regard to conventual institutions. The history of every European country showed that such institutions could not multiply indefinitely without endangering the safety of the State. He had only one general complaint to make with reference to the way in which this question had been treated by the House. Throughout the discussion of the question hon. Members who had opposed him had uniformly and perseveringly argued as if the monastic system had no history—as if we had no experience with respect to it—as if nothing had ever been heard about it—as if no law had ever been passed for the correction and repression of conventual institutions—as if, from time to time, different countries had not had to pass measures against them. Even the noble Lord the Member for the City of London had argued the question as if, until the present time, nobody had ever heard of monastic institutions being liable to abuse, and as if no State had ever been imperilled by the multiplication of their numbers, their inmates, and their wealth—as if he had forgotten that the most gigantic remedies had to be applied to the gigantic abuses of those institutions, and that, too, in this country, in Roman Catholic times. With that single remark on the general fallacy which ran through all the arguments against him, he (Mr. T. Chambers) begged to say that he would not now persevere in the nomination of this Committee, but he was fully convinced that the country would not rest satisfied until this question was settled.

Lord JOHN RUSSELL: Sir, having already expressed the opinions which I hold upon this question, I do not think that I would have troubled the House with any observations upon the present occasion had not the hon. and learned Member for Hertford, who is now disposed to give up his Motion, accused the Government of setting an example which is injurious to the character of this House, and which, undoubtedly, would have been indefensible either on the part of Government or any individual Member. I really do not know to what it is the hon. and learned Member alludes. I thought it my duty to oppose the Motion of the hon. and learned Gentleman, and I suppose he will not deny that I had a right to state the reasons which appeared to me to militate against that proposition. Sir, let me remind the House that the Government of Lord Melbourne, the Government of Sir Robert Peel, and other Governments, after being defeated by a majority of this House, have not thought themselves precluded from bringing forward and supporting a Motion for rescinding the Resolution which had been carried by a majority. I say this because the hon. and learned Member seemed to suppose that, a majority having once sanctioned his Motion, it was not competent for persons belonging to the Administration of the country to support any proposition that was contrary to the opinion of that majority. It is competent to a Minister, or to any Member of this House, if he thinks the majority has been mistaken in its vote, to bring the question again under consideration, and to ask the House to reverse the decision at which it had arrived. In the case of a Bill you have opportunities on purpose. It does not follow, because you have consented to the first reading of a Bill, you are obliged to agree to a second reading; and if you have voted for the second reading, you are not obliged to accede to the third reading. The meaning is, that the House should have an opportunity of affirming or of contradicting its former decision. Well, the hon. and learned Member for Dundalk (Mr. Bowyer) having proposed that the House should reconsider the Resolution to which it had come, I supported that proposal on the ground I have stated, namely, that it is perfectly competent to me, or to any Member of this House, to ask the House to reconsider a Resolution at which it has arrived. I do not remember of having given any vote with respect to the names of the Members of the Committee. When speaking upon the general question, I certainly said that I thought it a very partial and unfair Committee, too many of the Members being upon one side, and I had a perfect right, I consider, to have used that argument. With respect to the right hon. Gentleman the Member for Midhurst (Mr. Walpole), what I said was, that I hoped, if the Committee was appointed, he would be named one of its Members, and that, indeed, I should like to see it formed very much under his direction. With regard to the course now intended to be pursued, I should lament, indeed, if it were to be established as a precedent that a minority of this House should dictate, according to the proposition of the hon. Member for Manchester (Mr. Bright), to the majority upon certain occasions, and, for my part, I have set no such precedent. If such a precedent has been set at all, I should say it has been set by the hon. and learned Member for Hertford (Mr. T. Chambers) and the hon. Member for North Warwickshire (Mr. Newdegate), who now appear disposed to give way to a minority. I have not advised the Members to withdraw their Motion. I even consented, most reluctantly, as the House may well believe, when arranging the business of the House for this evening, which is one of the evenings on which Orders of the Day take precedence, to place this one at the top of the list, for the precise purpose that the whole of the night might be devoted to it, and that the hon. and learned Member might, if he thought proper, proceed with the nomination of his Committee. I certainly rejoice that he does not intend to proceed with it, but it is on totally other grounds than those which he has stated. I do not think a minority should be permitted, under any circumstances, to control a majority; but I am glad the Motion has been withdrawn, because no case has been made out for it. If the Motion had been persevered in, I think it would have stirred up much religious bitterness, and much hatred and discord between Roman Catholics and Protestants, without any advantage or benefit whatsoever to the country. I think that the hon. Member for Manchester was quite right in much that he said upon that subject. I believe that discussions upon this question, without any obvious necessity, do tend to set one part of the country against another, and I know that there are many Roman Catholics, even in this House, who have felt themselves deeply aggrieved by the proposition of the hon. and learned Member for Hertford. I cannot forget that which I think is at the foundation of this opposition—that if there is a grievance, if persons are kept imprisoned contrary to the law of the realm and their rights as British subjects, the Roman Catholics of this country, the Roman Catholic laity of this country, are as interested as any other part of the community in promoting inquiry, and it is an imputation on them that all are silent, all forbear from asking any redress from Parliament, and Protestant Members alone feel for the hardships inflicted on the countrywomen of Roman Catholics. That is what I felt on this subject, and, therefore, I do rejoice that this Motion is to be withdrawn. With regard to the hon. and learned Member having observed upon my speaking as if ignorant of all that history has recorded on this subject, I can only state I have acted on what I know to be the present condition of this country and Ireland. I know very well that in Roman Catholic countries, where the Church of Rome has had great power, where it has been supported by the State, that State has been overbalanced, and well nigh overpowered, by the Church and its institutions; but from the establishment of monasteries and convents I do not perceive that danger. Therefore, I am neither ready to consent to the appointment of the Committee nor to agree to the introduction of any Bill. I believe that no legislation on this subject is required. If evils should arise, there will be full time to resort to legislation. All I can say now is, that although the hon. and learned Gentleman may have been threatened with opposition from Members of this House who have felt upon this subject very deeply—I will not say whether the character of that threatened opposition was justifiable or not, but I will say, as a Member of the Government, I will be no party to setting any precedent injurious to the general rules and maxims of this House, that the majority govern the minority, and that all legislation and the appointment of Committees ought to be determined according to the will of the majority. As to the imputation the hon. and learned Member has been pleased to cast upon the Government, that will not prevent me giving my candid opinion freely and fully upon any proposition before the House.

SIR JOHN PAKINGTON said, he would not say that the Government had been parties, and he should be very sorry if they intended in any degree to be parties, to a very dangerous precedent—the precedent of minorities being able to prevail against majorities. But considering the extent to which the proceedings on this subject tended to establish that doctrine, and considering the high position of the noble Lord (Lord J. Russell), he thought it was to be regretted that he had not said more on the important point as to minorities controlling majorities in that House. He entirely agreed with the hon. and learned Member for Hertford that, in the circumstances in which they were now placed, it was not a moment to discuss the merits of the original question. On that subject he would not say one word, but, as one of those who supported the original proposal, he most deeply regretted that the action of a majority of that House should have excited such strong feelings in the breasts of Roman Catholics. Looking to the declarations signed by many eminent noblemen and gentlemen of the Roman Catholic persuasion—gentlemen entitled to the greatest respect—he should be most sorry to do anything to hurt their feelings or the feelings of the Roman Catholics of Ireland, and he greatly regretted they should have taken up the question in the light they had. He begged distinctly to say, for his own part, that, in supporting the original proposal, he did not intend anything like hostility or even disrespect to his Roman Catholic fellow-Christians; but he did consider, connected as this subject was with questions affecting the important personal right of personal liberty, and the important personal right of the disposition of the property, mixed up as it was with great constitutional questions, on which, in his judgment, inquiry should take place, he thought it might be conducted, and ought to be conducted, in a manner which could not give any reasonable offence to gentlemen of the Roman Catholic persuasion. He wished now to say that he thought, under all the circumstances of the case, the hon. and learned Member for Hertford was right in not persevering further with this subject. The original Motion was made so long ago as the 28th of February; they had now arrived nearly at the end of May, and he thought any Gentleman who looked at the paper to-day, and saw that, in addition to the Motion of the hon. and learned Gentleman for the appointment of the Committee, which would raise as many opportunities of debate as there were names to be proposed, there were six other Motions directed to the same object, must be convinced that whatever the majority who might support the hon. and learned Gentleman, there was no reasonable prospect of obtaining the appointment of the Committee in time to carry it to a useful conclusion in the present Session. He thought the hon. and learned Gentleman was right in the course he now took; but he appealed to the noble Lord the Member for the City of London and to the House itself whether they were not affording, by the course now taken, a very dangerous precedent. It would appear that, if a minority were unscrupulous, they could carry their power to the extent of the obstruction of legislation. No question could be brought before the House, no Bill could be discussed, in which the minority, however small, if they were disposed to abuse the powers they possessed, could not bring business to a stop, and completely obstruct the progress of business. The fact must be admitted, that they had now an instance of a minority, by availing themselves of the powers which the forms of the House gave them, having succeeded in stopping a measure supported by large majorities in that House. He hoped they would not see other such precedents. He thought the noble Lord must see the danger that, if such precedents were multiplied, they would be fatal to the character of that House, and to their mode of transacting business. He looked upon it as a very grave and serious question, the more so because the Committee upon the forms of their proceedings had thought it wiser to trust to the forbearance and discretion of the House rather than to frame stringent regulations to obviate the difficulty which those forms might create, and he thought it his duty to call their attention to the fact, that the course taken this evening did afford a very serious precedent, which he trusted the House would be very cautious in following.

Mr. COGAN said, the only occasion this Session on which there were not forty Members present to make a House, at four o'clock, was that night on which it was expected that the Motion of the hon. and learned Member for Hertford would be brought on. That showed that the House was disgusted with the subject; and it was, therefore, most unfair to charge the Roman Catholic Members with having defeated the majority by a factious opposition. This new persecution of Roman Catholics, if persevered in, would seriously embarrass the Government, and impede the progress of the country. As for the observations of the hon. Member for North Warwickshire (Mr. Newdegate), he treated them with the contemptuous indifference they deserved. He congratulated the hon. and learned Member for Hertford on having taken the course dictated to him by the general sense of the country in withdrawing his Motion, and he heartily hoped that this was the last they were to hear of the subject.

Mr. DRUMMOND: Sir, before the Motion is withdrawn, I wish to say, as one of the defeated party, that I consider myself defeated purely by factious opposition. There is no resignation, there is no possible dignity in our death, it is mere absolute murder without any qualification whatever. I do not wonder at the noble Lord (Lord J. Russell) finding for the first time that a minority, exerting that power which a minority can exert, may get the country into a very serious scrape. It has at all times, ever since the House of Commons existed, for some 800 years, been in the power of any obstinate strong-headed man to sit down, cry "No, no," move the adjournment of the House, and put an end to the progress of business. I had the misfortune about thirty years ago to address a petition to this House—it was against Catholic emancipation—in which I stated that it was utterly impossible, if the Roman Catholics were admitted into this House, that the priests would ever suffer them to unite with the Protestants in carrying out any form of Government. Of course nobody believed me. I was called a bigot and a visionary. They were hard words, but they broke no bones, and so I bore them. Of course the country won't believe me now; but surely the country will believe these Gentlemen, and surely I, of all others, ought to be most grateful to them for having now fulfilled, for the conviction of the country, that which I stated thirty years ago. I think it is decidedly best that this Motion should be withdrawn—simply because there is no possibility of carrying it; but I certainly shall put on the book a notice of Motion for an Address to the Crown to appoint a Commission to inquire into this subject. There can be no question then about opposition to this name and the other name, and all these personal animosities will be avoided. But I would have you mark that, in this matter, the aggressor has not ceased. The only plain-speaking honest man in the transaction is the Pope. "Have this realm of England," says he, "I will;" and every convent he establishes is a little inclosure won from England, and attached to Rome. He shall have no more inches if I can stop him.

MR. CRAUFURD said, he could not consent to the Order for the appointment of the Committee being discharged, unless a majority of the House decided in favour of that course. He should therefore divide the House.

MR. V. SCULLY said, he thought the hon. Gentleman ought to have expressed his intention of doing so before so many Members had left the House.

Amendment and Motion, by leave, *withdrawn.*

Motion made, and Question proposed, "That the Order for the appointment of the said Committee be discharged."

MR. MALINS said, he rose to express his regret at the course which the House was about to take. It certainly was anything but creditable that, after the opinion of the House had been expressed over and over again on a subject by overwhelming majorities, it should now be confessed, for the first time, that legislation was impossible, and a measure must be withdrawn because the minority persisted in exercising all the powers which it possessed for the purpose of defeating the majority. If hon. Gentlemen on his side of the House had used such means to defeat a measure of the Government, there would have been no bounds to the speaking in that House and writing out of it as to the motives which actuated them; and the noble Lord opposite (Lord J. Russell), who had quietly acquiesced in this course on the present occasion, and had allowed two evenings to be passed in discussing whether the right hon. Member for Midhurst (Mr. Walpole) should be one of the Committee, would have lost no time in denouncing it, had it been used against one of his measures.

LORD JOHN RUSSELL said, the hon. and learned Member seemed to think that, after the Government had voted against the appointment of the Committee, they should have come down to the House for the purpose of inducing hon. Members who opposed that Committee to withdraw their opposition. That, he thought, was really expecting too much from a Government. He had stated his objections to the appointment of the Committee, and when the discussion was over he had not thought it his duty to come down to attend the discussions on the nomination of the Members of the Committee. Had the discussion gone on that evening he should probably have taken a similar course, and have left it to those who were in favour of this Committee to proceed with their own Motion as they best could. As to being a party to saying that a minority should control the majority, he had always protested against any such thing, and, had he been in favour of the Committee, and the House had chosen to sanction its appointment, he would have sat there all night to get it nominated.

MR. NEWDEGATE said, he would not be a party to making the House the laughing-stock of the country and of Europe by sanctioning the course of a band of Members who had abused the forms of the House in order to obstruct all legislation on this subject. He thought the country would regard the explanation of the noble Lord as a mere pretence. He hoped it would be clearly understood that this Motion was withdrawn through the factious opposition of a certain number of Roman Catholic Members, whose expressed determination it was to allow of no Parliamentary interference in these matters, and who were too candid not to allow, in private, that they meant to use every opportunity which the forms of the House allowed to prevent all attempts at such interference.

LORD EDWARD HOWARD said, he disclaimed all desire to resort to factious opposition, but he thought hon. Members were perfectly justified in resorting to every means in their power to defeat an attack on their religion couched in so virulent a spirit as marked the Motion of the hon. and learned Member for Hertford. He would not give much for any man's religion who would not do the same. On the first Committee, the proportion of Gentlemen proposed as members was twelve on one side to three on the other, and even in the amended state it was nine on one side and six on the other. That proportion did not look as if there was any great anxiety to have a very careful investigation. He repudiated the language which had been used at a recent meeting in Dublin; and with regard to the extract which had been read by the hon. Member for East Sussex (Mr. Frewen), he must say that such language as was there reported was the furthest possible from his ideas, and he must point out that, as that language was used against the consent of the meeting, and as the person who used it was put down by the Chairman, it was rather unfair to bring it forward as an accusation against the Catholics.

Mr. V. SCULLY said, that the noble Lord, the Member for Arundel (Lord E. Howard), having, as an English Catholic, thought it necessary to disconnect his name from some of the proceedings at a recent meeting in Dublin, he (Mr. Scully), as an Irish Catholic, would take the opportunity to disassociate himself altogether from those sentiments which the hon. Member for East Sussex (Mr. Frewen), had just attributed to one of the speakers at a late meeting in London, to the effect that Catholics must resort to physical force, and look for help to the Emperor Napoleon. He wished to state most emphatically on his own behalf, and he felt certain he might add of all the Catholic Members around him, that he and they utterly repudiated, in the strongest form, such language, not only as highly improper to be used at all, but also as most detrimental to the Roman Catholic body. He condemned such sentiments in terms as indignant as could be used by any Protestant Member. The expressions referred to had not been employed by an Irishman, and he trusted that Englishmen in the House and out of it, would draw a wide distinction between those few Roman Catholics, who, suffering under great provocations, did occasionally give utterance to extremely violent opinions, and the great mass of Roman Catholics, whose political views were quite as sound-thinking and right-minded as those of the Protestants themselves. He protested against the practice of inculpating all the Catholics of these kingdoms on account of every mischievous expression used by any one of their body. It would be as unreasonable to make them responsible for such expressions as it would be to attribute to sensible Protestants all those discreditable sentiments which some of them had been known to utter. A great deal of insulting language had been used that evening towards the Catholic Gentlemen of that House. To that language they had submitted patiently and quietly, in order to avoid protracting the present debate. But he wished it to be very clearly understood that the Roman Catholic Members would not suffer such language to be used towards them as a practice. For his own part, he was quite determined not to permit its continuance, and he desired now to put a stop to it *in limine*. For, if such unbecoming speeches as had been addressed to them that evening by the hon. Member for North Warwickshire (Mr. Newdegate), and others who had imitated his bad example, were to be tamely submitted to, the apprehension was that it might become a systematic practice, which sooner or later should be violently arrested. He utterly denied that this persecuting inquiry had been now abandoned in consequence of any factious opposition given by the Roman Catholic Members. That was a mere clap-trap delusion put forward by its originators in order to blindfold and bamboozle their own fanatical supporters out of doors. No—the Motion had fallen to the ground at a previous stage, not in consequence of any factious opposition, but because, when it was last upon the paper, its supporters were all of them absent. He (Mr. Scully) was at the House on the 2nd of May, and could state that upon that occasion not one of those Gentlemen, who had this evening expressed themselves so offensively towards Catholic Members and called them a factious opposition, was then present in order to prevent a count-out for the want of forty Members. It was, therefore, quite absurd and dishonest for those Gentlemen to attempt now to shift the blame from their own shoulders to the Catholic Members, or to accuse them, among other impertinences, of acting together under alien influence. He denied he was under foreign influence of any sort, but, perhaps, hon. Members opposite were acting under some Scotch influence. He knew well who were the originators and instigators of the whole of this bigoted movement, and might explain it more fully on some future occasion. He did not wish to speak offensively towards Scotch gentlemen, some of whom had expressed themselves to him in terms strongly reprobating the proposed persecution. He would simply reiterate that its promoters were attempting to practise an arrant delusion upon the public mind in now suggesting that they had been compelled to give way before the factious opposition of a minority of this House, and would repeat his warning against the future use of offensive language towards the Catholic Members.

COLONEL BLAIR said, he would not argue whether hon. Members opposite were or were not under Scotch influence, but he would admit that Scotch Members and their constituents were very much interested in this question. He was much satisfied with the declaration of the hon. Member for West Surrey (Mr. Drummond) that he would put a notice on the paper to move for a Royal Commission to prosecute an inquiry required by a great majority of that House, and of those they represented. He did not see the advantage of dividing against the withdrawal of the Motion, but, if pressed to a division, he should vote against it.

Question put.

The House *divided :*—Ayes 100; Noes 1: Majority 99.

GAMING-HOUSES BILL.

Order for Committee read.

House in Committee.

Clauses 1 and 2 *agreed to.*

Clause 3 (Imposes a penalty of 20*l.* or imprisonment for three weeks, upon persons apprehended for giving false names and addresses).

MR. KNIGHTLEY said, he should move the omission of certain words, with the object of making it compulsory upon the magistrates to impose imprisonment, and taking away their power to exercise a discretion as to the infliction of a fine instead of such imprisonment.

THE ATTORNEY GENERAL said, he understood the object of the hon. Member to be this — that whereas the clause, in its present shape, authorised the magistrate to punish any person found under certain circumstances, and giving a false name and address, either by imposing a fine, or by sending him to prison—he wished it to be so amended as to take away the option, and to make it compulsory to impose imprisonment. He was quite aware that this was a very important clause, and that nothing would have a more salutary effect in deterring persons from frequenting these dens of iniquity than the certainty that they would be compelled to give their real name and address, or would be liable to severe punishment. But, on the other hand, he could not help thinking, that as in these cases detection was a matter of some difficulty, and could only be brought about by great industry and activity on the part of the officers, it would be more expedient, and would be found more effectual, to give the officers an interest in pursuing the parties, by making the penalty a pecuniary one, and awarding them a certain portion of it. It was quite clear that, where the punishment was merely imprisonment, the officers had no interest in finding out the parties by whom false names and addresses had been given. It must be remembered, also, that young men who went to these places were very often looked upon only as dupes, and that all the indignation was directed against the keepers of these establishments, while the visitors, when they were young, were sympathised with rather than otherwise. On the whole, he thought the alterations which the hon. Member had proposed, instead of doing good, would do harm.

MR. KNIGHTLEY said, he had reason to believe that the keepers of gaming-houses looked upon the provisions of this Bill as a dead letter. The time required for disposing of the implements of gaming was not more than the tenth part of a minute, and men who were in the habit of hazarding hundreds every night were not likely to care for a penalty of 10*l.* or 20*l.*

THE ATTORNEY GENERAL said, he was happy to say, in opposition to the remarks of the hon. Member, that, having been in communication with the police, he was assured that the keepers of gaming-houses did entertain a most serious apprehension as to the effect of this Bill, and especially of the clause which enabled the magistrate to take some of the parties and make them witnesses against the rest. As a proof of this he was glad to be able to state that since he had obtained the sanction of the House to the introduction of this Bill, and had stated what would be its provisions, out of fourteen gaming-houses which used to be open nightly for these practices, nine had been closed.

MR. APSLEY PELLATT said, he should support the clause as it stood, and he begged to bear testimony to the efficiency of the hon. and learned Attorney General's Bill against "betting" houses, which had been so successful in putting those places down, that he did not know in the borough of Southwark—nor, as far as he had heard, in any of the metropolitan boroughs—any betting shop which had not been suppressed.

CAPTAIN SCOBELL said, he should support the Amendment. A penalty of 20*l.* was nothing when compared with twenty days' imprisonment. He hoped the hon. and learned Attorney General would take this matter into consideration, for he was sure his object was to put down these places, and the only way to do it, with those who were above the value of money, was to make them the subject of imprisonment.

THE ATTORNEY GENERAL said, hon. Gentlemen did not seem to be aware that a discretionary power was vested in the magistrates to inflict either the fine or imprisonment. If, therefore, the magistrates found the infliction of a fine merely did not answer the desired end, it would be open to them to have recourse to imprisonment. He was willing, however, to increase the fine, by substituting 50*l.* in lieu of 20*l.*; and then, in order to make the two punishments more on an equality, he must also make the term of imprisonment one month instead of three weeks.

Amendment *withdrawn;* Clause *agreed to;* as were the remaining clauses.

House resumed.

Bill *reported* as amended.

MERCHANT SHIPPING BILL.

Order for Second Reading read.

MR. HORSFALL said, he had no wish whatever to oppose the second reading of the Bill, because he regarded it as a praiseworthy effort, on the part of the Government, to consolidate the mercantile marine laws of the country. He was also quite aware of the time and attention which had been bestowed on this Bill by his right hon. Friend (Mr. Cardwell), who had received with great courtesy every suggestion that had been made to him; still he could not avoid mentioning that there were some defects and some deficiencies in the measure, although he would not then enter into details which would more properly be noticed in Committee. He would observe, however, that he thought his right hon. Friend had made one or two mistakes in interfering with the enactment of the Mercantile Marine Bill of 1850. The first of these was very important—namely, his transference of the powers of the various local marine boards to the magistrates. Now, he had the honour of being a member of the Liverpool Marine Board for the last three years, having been nominated by the hon. Member for Taunton when President of the Board of Trade, and he could, therefore, bear testimony to the efficiency with which the affairs of that Board had been conducted. Indeed, he considered that no board could be more complete or perfect than that constituted under the Act of 1850. Yet it was proposed in this Bill to transfer their power to magistrates—none of whom might know anything about ships—perhaps not able to tell a bowsprit from a mainmast. Nor had he heard that there was any just or substantial reason for the change, except that some members of the Board complained that a considerable portion of their time was occupied. That, however, he did not at all hold to be a valid reason, because if gentlemen had not time to devote to their duty at the Board, they might retire, and others could be found to take their places. The alteration proposed he held to be very objectionable; but as he intended to move an Amendment to that clause when the Bill was in Committee, he would not then further allude to the subject. But there was also a very great deficiency in the Bill which he wished to point out — namely, that it did not re-enact the apprenticeship system, which he looked upon as of considerable importance. The House would remember that a short time ago he had moved for a return showing the number of apprentices in the merchant service in 1850, when the requirement was abolished, as well as the number during the three years after its abrogation. From that return he found that on the 1st of January, 1850, there were in the mercantile service 31,636 apprentices, while on the 1st of January, 1854, there were only 13,826. Now, he must say, if the mercantile marine was to serve in future as the nursery for the Navy of England, that it was the duty of his right hon. Friend to re-enact the requirement clause—which, however, he (Mr. Horsfall) readily admitted was originally abolished at the request of the shipowners themselves. The Board of Admiralty had been in communication with the local Marine Board of Liverpool, which Board had communicated with the Shipowners' Association of that port, and it was found that the language of that body was, that "That they were then under restrictions; but that if they were allowed to man their vessels as they liked by the seamen of other countries, they would be prepared to consider the question of the re-enactment of the apprenticeship system." Well, concessions had now been made in that matter, and that body therefore now came forward with perfect consistency to petition Parliament in favour of re-enacting the clause requiring apprentices to be taken in all merchant vessels. He was aware, however, that his right hon. Friend had received a counter-memorial from a minority of the shipowners of Liverpool—gentlemen to whose respectability he was well pleased to testify. At the same time, it was his intention to move the re-enactment of the requirement clause in the terms of which he had given notice. But there was another far more important omission in the Bill; he alluded to the fact that no notice was taken in it of a question the most interesting to shipowners throughout the country. He referred to the operation of the Act, the 9 & 10 *Vict.* c. 93, commonly called Lord Campbell's Act. Now that Act either did, or did not, apply to shipping; if it did, and it had been held by the courts of law to do so, he maintained it was the duty of the Government to have introduced a clause to that effect into the Bill. That Act was originally intended to apply to railway accidents only, but in consequence of the decision of the law courts, shipowners were placed in a position perfectly inconsistent with every principle of justice. For in what position did they stand? He was not desirous to exempt the shipowner from any responsibility which should legitimately fall upon him, but it had been admitted by Lord Campbell himself that he had never intended that Act to apply to shipping. Under its operation the wealthiest shipowner might be ruined in a single hour. There was no limit to his responsibility, and he asked that the shipowner should be placed in the position in which he was previously to the passing of the Act. Under former Acts the liability of the shipowner had been confined to the value of the ship and freight; and in asking now that their liability should be confined to that, he thought that they were not asking too much. With the law, as it existed, no prudent man could own a ship. He certainly would not undertake for any premium that might be offered to carry a cargo of passengers under the present law and the liabilities which it imposed; and he trusted that in Committee the right hon. Gentleman would insert some clause which should confine the liability of shipowners to the value of the ship and freight. If that were not done, he was satisfied that the Bill would frustrate one great object which the Government had in view the giving protection to emigrants going abroad; for it would prevent all prudent men from owning vessels, and none but speculators and adventurers would engage in the trade. If the right hon. Gentleman did not do so, he should himself propose a clause to that effect in Committee.

CAPTAIN SCOBELL said, he must remind the House of the part which he had taken in the discussion on the "manning clauses" last year. Since then war had been declared, and he thought the value of the British seamen must have been raised, because the want of men was more felt. The commerce and the wealth of this country depended on our having the supremacy of the seas. To secure this, we must use every means in our power in the encouragement and cultivation of seamen, and it was a matter which deserved their grave consideration, that within a period of four years the number of the class upon whom our supply of seamen must depend had been diminished from 34,000 to 13,000. That was a change of the law which he had also objected to, and he had moved the House on a previous occasion to reinstate the apprentice clauses. Of all the measures he had ever known carried as affecting the moral supremacy of the country, these two measures for repealing the manning clauses and the apprentice clauses were the most serious, and he believed it would be long before the right hon. Baronet the First Lord of the Admiralty succeeded in repairing the mischief he had committed in supporting their repeal. He believed, however, the Admiralty had done their best in endeavouring to man the Navy, with this exception, that they had not, as was always done before at the beginning of a war, induced seamen to enter by the offer of a bounty. Bounties were offered to marines, to the coast-guard, to every department of the Army, but seamen alone were excepted from the rule. The consequence of this was, that they had got abundance of landsmen, but not abundance of able-bodied seamen. He therefore hoped the Government would take this opportunity of reinstating the apprentice clauses in the present Bill. They could never make men into seamen. It was rarely found, indeed, that a man of twenty-one years of age ever became reconciled to the sea, or that he acquired the smartness necessary for a sailor. He was glad to learn, however, that the Admiralty had entered a number of boys in the Royal Navy, and no doubt they would get good topmen in this way; but the good leading seamen—the men who could do their duty from stem to stern—must chiefly come from the merchant service where they had learned the necessary duties of a seaman. And yet how much this matter was neglected in the mercantile navy might be inferred from this fact, that of 400 or 500 ships that sailed from Liverpool in 1851 with emigrants, two-thirds of them had not a single boy on board. He thought legislation on this matter had been somewhat stealthy. In 1848, when the Navigation Laws were repealed, nothing was said about doing away with the manning or the apprentice clauses—nay, the present First Lord of the Admiralty opposed the suggestion when it was made, and yet last year these very points were carried. He hoped the Government would now take the advice of the hon. Member for Liverpool (Mr. Horsfall), and reinstate them, or at least the clause with regard to apprentices.

Mr. LINDSAY said, it was not his intention to offer any lengthened remarks upon this Bill, but, as a large shipowner himself, and as the representative of a large shipping port, he considered it his duty to oppose the suggestion that had been made with regard to the reinstatement of the apprentice clauses. The hon. Member for Liverpool said, that the reinstatement of these clauses was favourably looked on by his constituents. Now, the clauses might be viewed with favour by the Shipowners' Association, but that Association did not compose all the shipowners of Liverpool, and as soon as it was understood that the Shipowners' Association had petitioned in favour of the compulsory apprentice clauses, another memorial, most respectably signed, was sent off against the re-enactment of them. He should be very much surprised indeed if, to the grievances which the shipowners of this country already laboured under, this House were to add a new one. With regard to the subject of advance notes to seamen, he had had a long conversation on that question with the President of the Board of Trade that day, and that right hon. Gentleman felt, with him, that it would be most desirable to refrain from all legislation on the subject if it was possible to avoid it. Many attempts had been made to enable the sailor to realise the full value of those notes, but all had failed. It would be the greatest possible boon if the House could put down these advance notes altogether, not to the shipowner only, but still more to the seamen themselves. They were the great inducement to desertion; but, still more, they encouraged improvident habits on the part of the sailors, who, if they once found that they could not get a supply of money to fit them out for another voyage, if they wasted what they had received from their last, would be forced to learn habits of economy, and to retain from each voyage at least as much as would fit them out for another. He thought legislative interference was injurious as between the shipowner and the sailor, in the same way that it would be considered injurious as between the master manufacturer and the mechanic and artisan. What he would recommend was, that there should be a savings bank and a money-order office in connection with every shipping office, so that the sailor, on being paid off, might send home a portion of his money to his wife and family at once, and place another in the savings bank, sufficient to provide him with the necessaries for his next voyage. With regard to what had been said by the hon. Member for Liverpool, as to the spirit of the law in reference to the limitation of the responsibility of the shipowners in the case of goods and merchandise, he saw no reason why that responsibility should not also be limited in the case of passengers. He thought that in a country like this every facility should be afforded to capitalists to invest their money in ships; but as the law now stood, capitalists had reason to dread such investments, because the responsibility was not limited to the value of the ship and freight, but extended to every penny the owner possessed; so that the wealthiest capitalist who held but a small portion of a ship might at any moment find himself a ruined man. He hoped the right hon. Gentleman would not consent to re-enact the manning or the apprenticeship clauses; and, though the law in this respect might be left as it was, he could assure the hon. and gallant Member for Bath (Captain Scobell) that he need not be afraid that British sailors would ever be superseded by foreigners in our mercantile navy. For his own part, he had no dread of the competition of foreign seamen any more than he had of foreign shipowners, but the best way to maintain the supremacy of the British mercantile marine, and consequently of the Navy, was to remove all the restrictions which yet remained, and to give free scope, as far as practicable, to its energies and skill, that its resources might be fully developed.

Admiral WALCOTT said, he considered the re-enactment of the apprenticeship clause essential, in order that a sufficient body of effective and competent seamen might always be found available for the maritime service of the country. He always looked upon the mercantile service as the nursery for the Royal Navy, and was anxious, therefore, that the efficiency of the marine, both in numbers and competency, should be maintained.

Mr. DIGBY SEYMOUR said, he fully concurred in what had been stated by the hon. Member for Liverpool (Mr. Horsfall) as to Lord Campbell's Act. He thought that the courts of law, having strained this Act to a purpose for which it was never intended, had inflicted a severe blow on the shipping interests of this country, and placed shipowners in a very disadvantageous position as regarded their American competitors. He should be glad if the system of advance notes could be got rid of altogether. He thought it was a fallacy to legislate for ships as a particular property, differing from all others on account of their presumed connection with the Royal Navy, and that it was equally a fallacy to mix up the interests of the two services. Merchant-ships ought to be left to their own regulations, and not be subject to codes laid down by that House for their internal management and government. These, however, were questions which would arise in Committee. The principle of the Bill he understood to be the consolidation of our mercantile marine laws, but it appeared to him that the Bill was rather the re-enactment of the shipping laws that existed than a codification. At the same time, he rejoiced that the Bill had been laid upon the table; and, as the representative of a mercantile community, he begged to thank the right hon. Gentleman for it.

Mr. DUNLOP said, whether this Bill was a complete code or not, it would certainly be of the greatest service as a consolidation of about fifty different Statutes into one, and in the name of his constituents he begged to tender to the right hon. Gentleman his congratulations for the service he had rendered to the mercantile community. He agreed with the hon. Member for Tynemouth (Mr. Lindsay) that it was of the utmost importance to encourage habits of economy and forethought among the sailors, by putting down advance notes, and establishing savings banks. With regard to the question of unlimited responsibility in case of accidents, he admitted that that was in itself a large question; but that with which the House had now to deal was a question of a much narrower kind, and he would be glad to see it brought to an issue as it stood. Until the passing of Lord Campbell's Act the law was clear that the responsibility of the shipowner was limited to the ship and cargo. It was generally admitted that Lord Campbell's Act was not intended to alter that law; but, by some accidental negligence of phrases, without discussion or deliberate intention of the Legislature, it was held to have altered the law. Now, assuming that statement to be true, was it not reasonable to think that, in consolidating these Acts, the Government should declare the intent of Lord Campbell's Act to be what it was from the first intended to be? It would then be left open to the Government, if they thought the law should be changed, to propose the change in such a way as would bring the whole subject under consideration, and have it thoroughly discussed.

Mr. THOMPSON said, he cordially concurred in the second reading of the Bill, and begged to offer his congratulations to the right hon. Gentleman on the service that it would render to the shipping interests. There were many details, however, in the Bill, which he thought would require serious consideration in Committee, as they would not be likely to further the object the President of the Board of Trade had in view. A great deal had been said about apprentices; he differed from what the hon. and gallant Member for Bath had said on this subject, and trusted that Government would allow matters to take their course, and not attempt to legislate on it.

Mr. Serjeant SHEE said, he was ready to bestow his pity on those who might lose their fortunes by the injury done to shipping, but his pity was still more called forth on behalf of those who lost their lives. It was quite intolerable to hear it contended in that House that shipowners should be exempted from the responsibility with regard to damage or injury, &c., which rested upon all the rest of their fellow-subjects. He thought this was a Bill for which the whole body of the mercantile marine should be thankful to the right hon. Gentleman the President of the Board of Trade. As the law at present stood, it was hardly intelligible to lawyers. By spending an hour or two in his closet a lawyer might no doubt come to understand any point under dispute, and a shipowner might sometimes also be able to overcome the difficulty; but it was impossible for others to make out what the law at present was. He held, therefore, that this Consolidation Act would be of the greatest possible service. It had been said that it did not deserve the name of a code, but he maintained that it was more deserving of the name of a code than any that existed in any other country in the world, or that ever did exist. He hoped the right hon. Gentleman would consider the propriety of enacting that every ship of a certain burden should have the law on board for the use of the master, the officers, and the men, who might thereby be enabled to settle disputes when abroad. The hon. and learned Member for Sunderland (Mr. W. D. Seymour) took exceptions to the Bill, on account of the phraseology of the old laws not being preserved; but if the new phraseology was better than the old, he thought no great objection could be taken. He heartily thanked the right hon. Gentleman for the measure, and looked upon it as a great boon to the mercantile community.

Mr. ALEXANDER HASTIE said, he must deny that the shipowners desired to get rid of any responsibility that ought in justice to attach to them, notwithstanding what had fallen from the hon. and learned Serjeant. They were quite ready to admit that their ship and freight should be liable for injury, done either to property or persons. It should be remembered that masters and mates were to be examined by a Government Board, and that the master, the officers, and the ships were to be under Government inspection; and on that, as well as other accounts, the shipowners held that they ought not to be liable to a greater extent than the value of the ship and freight. He believed this was, on the whole, a very good Bill, though he thought some of the clauses might be left out with great advantage. As to measurement, he would

recommend that a schedule should be inserted laying down the mode to be followed, but that power should be given to the President of the Board of Trade to correct the schedules from time to time, as science might point out.

Mr. G. BUTT said, he concurred with the hon. and learned Member for Kilkenny (Mr. Serjeant Shee) in thinking this Bill a very good consolidation of the law of shipping. He considered that it was a mistake to suppose that shipowners were exempt from liability for the negligence or incompetences of their servants either under Lord Campbell's Act or the general law, nor did he think that they had any right to claim exemption from that responsibility.

Mr. CARDWELL said, he had listened with attention to many of the suggestions which had been made by Gentlemen well qualified to give opinions, and he was much gratified at the tone and spirit in which the Bill had been received, because it was one which, from its magnitude, ought to receive the general concurrence of the House before it could be passed into a law. If he might take the liberty of specifying a particular opinion to which he attached value, he should say it was that of the hon. and learned Member for Kilkenny, who was the editor of Lord Tenterden's great work on the law of shipping, and therefore there was no one who could be a better judge of the difficulties of making any alteration in the law. The Bill, he wished the House to bear in mind, was an endeavour to effect, not a codification, but a consolidation, of the Statutes, which was a different thing from codification—a system which had been adopted without any success in this country, although there had been many instances of consolidating into a single Act all the enactments of Parliament on the subject of a particular law. In this Bill there had been repealed forty Acts of Parliament on the subject of shipping, ranging from the time of Elizabeth, and some 1,000 clauses, in order to bring the law within legitimate and intelligible limits. Then, with regard to the language adopted, they had made choice of new language where it was necessary for greater perspicuity and clearness. When there was a choice between new and old language, they employed the old, because it had the stamp of judicial decisions, and the risk of future lawsuits was thereby greatly excluded. The hon. and learned Member for Sunderland (Mr. W. D. Seymour) had suggested that they should leave out minute regulations, and only insert the general principles involved. That principle had been adopted where it was possible, but in the particular matter to which he had referred, the measurement of ships, it was found a matter of great difficulty. Now, it was not at all new for Parliament to endeavour to lay down the principle of getting the accurate measurement of a ship, but the difficulty was to say how they were to obtain that accurate measurement. He thought, therefore, it was a matter upon which the will of Parliament must be taken, and which must not be left entirely to the arbitrary decision of any individual. A great deal depended upon the mode of measurement. Toll was paid to every dock company in the kingdom, not according to the principle that you should have an accurate measurement of capacity, but according to the rule and mode by which you carried that measurement into effect. Now, the mode proposed in the Bill would leave the tonnage of the country at exactly the same quantity at which it now stood, doing, therefore, no injustice either as between shipowner or dockowner; but any alteration which did not comply with that principle would injure one or the other considerably. Speaking generally of the mode proposed by the Bill, of so taking an adequate number of measurements, and so applying a mathematical rule as to obtain, with a great approach to accuracy, the fair capacity of a ship, relieving the shipowner from those restrictions which now impeded the exercise of his skill and the improvement of models—this plan in the Bill had received the sanction of every authority to which it had been submitted, and of all those most competent to form opinions upon the subject. Besides the other objects contained in the measure, he proposed, if the plan of the Government relating to salvage received the assent of the House, to incorporate with the Bill the whole scheme with respect to wrecks and salvage, making the measure, therefore, one complete manual relating to the mercantile marine. The utmost pains had been taken in the consolidation of the Statutes, and he might state that he was indebted to the Judge of the Admiralty Court for the kindness with which he had, on two separate occasions, gone through the Bill, and given him the invaluable assistance of his great legal ability and knowledge. With regard to the objections which had been taken to the measure, the hon. Member for Liverpool (Mr. Horsfall) objected to the proposal to transfer certain powers from the local marine board to the justices in regard to the trial of masters charged with incompetence or neglect. It appeared that on this particular point the shipowners of Liverpool did not agree with their representatives, for they stated, after considering the clause, that they thought the mode in which he proposed to leave it a great improvement and a relief to the local marine board. But it was not intended to relieve or to disparage the local marine board. What the Government proposed was, that in cases where masters were charged with neglect or incompetence there should be a judicial inquiry. After having awarded an officer a certificate for competency, the local marine board ought not, he thought, to be judges as to whether that officer had conducted himself in such a manner as that his certificate ought to be withdrawn. His certificate ought not to be withheld upon any other than a judicial investigation, and by the finding of a recognised public tribunal. The hon. Member for Tynemouth (Mr. Lindsay) had alluded to the subject of savings banks and advance notes. No person could more regret than he (Mr. Cardwell) did the habits of improvidence into which seamen were but too frequently led, and in so far as the system of advance notes ministered to those habits they were no doubt to be regretted. He thought, however, they could not legislate upon the principle, that a sailor was to be treated like a child or a minor, as one who could not be intrusted with his own resources, and that he could not be placed under restrictions from which every landsman was free, in making his own contracts. Another subject alluded to by the hon. Member was that of savings banks, and the hon. Member would, no doubt, be glad to hear that he (Mr. Cardwell) had anticipated his proposition on this point, and that in the course of the last Session of Parliament, putting himself into communication with his right hon. Friend the Chancellor of the Exchequer, he had introduced into the Savings Banks Bill a clause for the special object of giving to sailors in seaport towns facilities for making their investments and for obtaining the advantages of savings banks. Those advantages, in London and in Liverpool, were already made use of, and nothing could be more satisfactory than the way in which the Sailors' Homes in those two places conducted the operations of their savings banks. He now approached the subject of the liability of the shipowner. Before committing itself upon this subject, the House should clearly understand what the law now was, and what was really the proposition intended when they were asked to create this limitation. The shipowner was under no legal liability, arising from what was commonly called Lord Campbell's Act, to which every other subject of the Queen was not equally liable. The difference between the two classes of persons was, that the shipowner was accustomed to be intrusted at one time with the charge of a very large number of lives under circumstances of hazard. The law had made no distinction between him and other persons, and with the exception of that important practical difference, no distinction existed. If an accident happened at sea through the neglect of his master, the shipowner might be liable, no doubt, to the whole extent of his fortune, just as a man was liable on shore if any accident happened through the carelessness of his servant while driving a vehicle. The subject was certainly a very important one for consideration, and he was not surprised that the hon. Member for Liverpool should have taken the opportunity of calling attention to the subject. With regard to the question of apprentices and seamen, the hon. Gentleman proposed in Committee to submit a clause, which had received the sanction of the shipowners of Liverpool, for making it compulsory upon shipowners to take a certain number of apprentices in proportion to the tonnage of the ship. That subject had been very fully discussed in the last Session of Parliament, and the House had then been of opinion that it was not desirable to have that restriction, nor did he think the House would be of a different opinion now. His hon. and gallant Friend the Member for Bath (Captain Scobell), had expressed his belief, that the provision for allowing our merchant ships to be manned by foreign seamen had been productive of much mischief. The hon. and gallant Member said—"Only think of the circumstances in which we are placed, and the difficulty of manning our fleet with British seamen;" and he complained—for this was what his complaint amounted to—that they had succeeded in manning the fleet without having recourse to impressment and without having even given a bounty. Now he (Mr. Cardwell) thought that, when we were wanting British seamen to enlist into our Navy, it was the worst possible time to endeavour to prevent the employment of foreign sailors in the merchant service. But he held in his hand a return supplied by the Registrar of Shipping, which showed the result of the mischief to which his hon. and gallant Friend referred —the mischief which had followed from setting free British shipping from every possible limitation and restriction. This return came down to the 31st of March last. The House would be aware that the last returns presented showed the very largest number of British seamen ever employed in the history of this country, and that it was in the last Session of Parliament that they removed all restrictions from the employment of foreigners. Well, the whole number of foreigners employed in British foreign-going shipping in the last quarter had been no more than 2,499 men. If this were multiplied by 4, it would give something less than 10,000 men; and if they looked at the returns already upon the table, they would find the whole aggregate of British seamen was, in the last year 190,000 men. Having abolished the restriction to which our shipowners were subjected, they found foreigners employed to the extent of only 10,000 men in the year, while 190,000 British seamen were in the service. This was the mischief which induced the hon. and gallant Member for Bath so seriously to exhort them to retrace their steps, an exhortation which they certainly were not prepared to comply with. The hon. and gallant Member had quoted returns to show that the number of apprentices had fallen off; the number of apprentices would very naturally fall off, when the shipowners were relieved from the necessity of taking apprentices, whether they would or not; but the returns by no means showed that the number of boys applying themselves to the sea service had fallen off; on the contrary, the number of boys in the commercial marine rising to be seamen was on the increase, though, now that the former restrictions upon the shipowners with regard to apprentices had been removed, these boys were no longer called apprentices. He had been in communication with the shipowners of London, Liverpool, Lloyd's, and with the principal persons interested in the Bill; and he had the satisfaction of knowing that the Bill had their general concurrence, and that they regarded the consolidation of the law into one Statute, as now proposed, as certain greatly to facilitate the operations of their trade.

That being so, he hoped the House would allow the Bill to pass this Session.

Bill read 2°.

MANNING THE NAVY BILL.

Order for Third Reading read.

MR. FRENCH said, he thought it due to the House and to the right hon. Baronet the First Lord of the Admiralty, that he should mention that he was fully borne out in stating, that the reply which the right hon. Baronet made to his statements in the early part of the evening was incorrect. In using that term he had not the slightest intention to say anything that could be considered offensive, but he spoke on the authority of men who knew what they said, and who were as good vouchers for the truth of their statements as the right hon. Gentleman. The right hon. Baronet stated that the *Great Britain* was not offered twice to the Government, but only once, and that the price was so exorbitant that it could not be accepted, that she would carry no more than 150 horses, and that she was incapable of performing the voyage within the time. Now, in a letter which Messrs. Gibbs and Bright had sent to the *Morning Herald* on the 5th of April, they distinctly asserted that they had offered the ship twice to Her Majesty's Government. As to the capabilities of the vessel for carrying cavalry regiments, and its means of affording them every accommodation, although there was considerable difficulty in fully explaining this subject, yet he had no doubt that the steamer was perfectly capable of carrying and affording accommodation to such troops, and this opinion of his was further confirmed by a letter which he held in his hand, and which fully bore him out in his opinion that the vessel would be now ready to go to sea in June, and that, if Messrs. Gibbs and Bright's offer had been accepted at the time it was made, three cavalry regiments might now have been, through its means, already at the seat of the war. The right hon. Baronet had said that the vessel would not answer the purposes of the Government, but he thought in this, as in many other things, the right hon. Baronet spoke inconsiderately, and without fully understanding the subject he was speaking on. He could tell the right hon. Baronet that the *Himalaya* went to Malta in eight days, and he considered the *Great Britain* capable of doing the same. The right hon. Baronet had reproved him for putting the question which he had done, and prefacing it by the remarks which he had thought it his duty to make, but he begged distinctly to tell the right hon. Baronet that he did not look to him for an opinion as to what he ought to say or do, and that as he repudiated ever being a follower of the right hon. Baronet, so he would not permit the right hon. Baronet to dictate to him in the assumptive manner which he had thought proper to do. He (Mr. French) had said before, and he repeated it then, that he believed the massacre at Sinope would never have taken place unless it had been for the orders from the Admiralty; that after such massacre the Russian fleet could have been taken if the orders from the Admiralty had permitted it; that our fleet, if it had not been for the conduct of the Admiralty at home, could have prevented the gathering of the troops from Circassia, as they might also, had it not been for the inefficiency or inactivity of the Admiralty, have prevented the closing up the mouths of the Danube. He wished to know, with reference to Odessa, why, when the Admirals had demanded that the ships from the inner harbour should be delivered up to them, that the fleet was afterwards desired to leave without such demand being complied with? He must complain, also, that the right hon. Baronet, in his answer to him relative to his question about Odessa, had stated, in a kind of off-hand way, that, upon leaving that port, the ships had sailed to Sebastopol, implying thereby they were going to bombard it, when he knew very well that such were not their orders. He believed that the result of the war, if it were left in the feeble hands that it was at present, would be that next year we might find 200,000 French, 200,000 Austrians, and 200,000 Russians hovering about Turkey, and that then we should not only find it impossible, with our small force of 40,000 men, to assist our allies the Turks, but probably difficult to defend ourselves. He did not consider the right hon. Baronet entitled to address him as he had, and he begged to repudiate his assuming any such privilege as he seemed on this occasion desirous of claiming.

SIR JAMES GRAHAM said, he thought the House would agree with him that this was not a fit occasion for entering into a protracted discussion of the disasters which the hon. Gentleman had indulged himself in prophesying for this war, nor was he prepared that evening to defend the conduct of the war, to reopen the question of Sinope, or to discuss the bombardment of Odessa, or any expedition, past or future, on the coast of Circassia. If the hon. Gentleman was desirous of taking the opinion of the House on those subjects, let him give proper notice of Motion, and he (Sir J. Graham) should be ready then to take the field against him; but this was certainly not the proper opportunity. The hon. Gentleman had, in somewhat an adroit manner, tried to make him the assailant. Now, his complaint in the earlier part of the evening had been of what appeared to him a great violation of the forms and orders of the House on the part of the hon. Gentleman, who had put a question not so much, as it seemed to him, with a view of obtaining any information to gratify his innocent simplicity or ignorance with respect to the matter, but rather with a desire of conveying censure —"willing to wound, but yet afraid to strike." That was a course which appeared to him neither consistent with the rules of that House nor exactly consistent with fair play; and therefore he had met it in the manner of which the hon. Member complained. With respect to the facts of the case, he could only repeat that there had been one formal offer made of the *Great Britain* to the Board of Admiralty. That offer he held in his hand, and all the papers connected with it. Among the tenders sent in to the Board of Admiralty, there was one made on the part of the owners of the *Great Britain*, in the month of February, he believed, at the rate of 3*l*. per ton per month, which was a higher sum than had been paid in other cases, and that offer the Board of Admiralty thought fit to reject. Since that time, he believed, there had been no other offer made by the owners of the *Great Britain* for hire by the month, but there had been an offer—a public offer—made to sell her for a sum which the Admiralty thought was still more exorbitant than that demanded for the hire of her. That offer also had been rejected. With respect to her capacities the Government officer at Liverpool had been directed to survey her, to ascertain whether she was competent to convey a regiment of cavalry, with 340 horses. The report was that she was capable of carrying 180 horses on the lower deck, and twenty on the upper deck. That accommodation the Admiralty objected to. The result, then, was that she was unable to carry a regiment of cavalry, and that even to the extent of 180 horses her accommodation was not such as met the views of the Admiralty. With respect to her speed—and he had no wish to depreciate a vessel which the Government would neither buy nor hire—he did not believe that she could go from any port in England to Constantinople in a fortnight; it had not been achieved by any vessel yet, and he did not believe the *Great Britain* would be the first to do it. He was always delighted to answer any questions which were put to him, with a desire to obtain information, not intended to convey blame, and if the hon. Gentleman would always put his questions in that spirit, and reserve his censure for his Motions, no doubt they would always continue good friends. He was sorry that anything should have fallen from him to annoy the hon. Gentleman; but it certainly had appeared to him that the mode in which the question was put was not consistent with the rules of the House. He had mentioned more than once that, though he presided over the Board of Admiralty, these matters were mainly under the guidance of a gallant Officer who was not a Member of that House—Captain Milne. A more meritorious officer did not exist, or one who had laboured for the public service more faithfully or more efficiently, and it was very much on his account that he had been desirous of having this matter most fully explained.

Mr. FRENCH: If the right hon. Baronet's first answer had been in this tone, he would have heard no more of it.

Bill read 3°, and *passed.*

REFORMATORY SCHOOLS (SCOTLAND) BILL.

Mr. DUNLOP said, he begged to move for leave to introduce a Bill "To render Reformatory and Industrial Schools in Scotland more available for the benefit of Juvenile Delinquents and Vagrant Children." It was not intended by this measure to go so far as the Lord Advocate's recent Education Bill, or to propose any rating for the support of schools. He wished to give power to magistrates where delinquents were brought before them, to send them to school instead of to gaol, thus removing them from the evils of depraved associates to a place where they would receive a good training, acquire habits of industry, and have some prospects of bettering their condition, instead of, as at present, being certain to come out of gaol ten times worse than when they went in. With respect to delinquents who had been convicted, it was intended by this measure to place them in certain schools sanctioned by the Lord Advocate, and to charge the expenditure on county and parochial boards.

Leave *given*.

Bill *ordered* to be brought in by Mr. Dunlop, Mr. Kinnaird, and Mr. Adderley.

Bill read 1°.

The House adjourned at half after Eleven o'clock.

HOUSE OF LORDS,

Friday, May 19, 1854.

MINUTES.] PUBLIC BILLS. — 1ª Navy Pay, &c.; Manning the Navy.
2ª Railway and Canal Traffic Regulation.
Reported. Boundary Survey (Ireland).

THE WAR WITH RUSSIA—LOSS OF THE "TIGER."

THE EARL OF MALMESBURY: I beg to ask the noble Duke opposite (the Duke of Newcastle) a question with reference to a report which has caused great anxiety to many people within the last day or two, and which has not been contradicted. The report is, that Her Majesty's ship the *Tiger* has been lost on the coast of the Black Sea, and that her crew have been made prisoners by the Russians. I wish to ask the noble Duke if he has any reason to believe the report true, and if he has received any information on the matter? I wish also to ask whether a statement which I have seen in the *Moniteur* is true, and which has reference to a certain number of Russian prisoners taken on board merchant ships in the Black Sea. According to the despatch of the French Admiral to his Government, it appears he took those men to Odessa, and made some offer to the commander of that place to exchange them for French and English subjects, but that no agreement was come to. I understand that no answer was given by the Russian commander, and that the English Admiral had thought fit to set those prisoners free. We cannot expect to be always successful, and we may expect to sustain losses such as those alluded to in those reports during the course of the war—we may lose ships by accident, and their crews may be made prisoners. It is evident, therefore, that if we do not retain a sufficient number of the prisoners taken from the enemy, we shall have none to exchange against those we may lose. I am sure your Lordships will not suppose that I am throwing any blame on the Government for any recommendations which they may have given to our officers to carry on the war in the most humane manner possible; at the same time, it is clear that the carrying on the war with such measures of humanity as that to which I have just alluded may be extending the maxims founded on civilisation and Christianity too far, and may even be the cause of the contest being eventually prolonged.

THE DUKE OF NEWCASTLE: I wish it were in my power to relieve your Lordships from any apprehensions you may entertain with respect to the supposed loss of the *Tiger* steam vessel. I am not, however, able so to relieve you. At the same time I am equally unable to confirm the report. So far as any opinion that I can form goes, I should rather hope that the report is not true. The only information which has been received, either by the Government or by anybody else, so far as we can ascertain, was by a telegraphic message which was received yesterday by a mercantile house in the City, and the contents of which subsequently appeared in the newspapers. One amongst other reasons for hoping that the report is incorrect is, that the steamer which was lost is represented as being a screw-steamer, while the *Tiger* is a paddle-wheel vessel. This obvious inaccuracy might lead one to hope that this report is as untrue as that which was received some little time since with respect to the loss of the *Amphion*, which was quite as circumstantial in its details as the present story. Taking both these facts together, I have great hopes that this report of the loss of the *Tiger* may prove to be but a Russian fabrication. As regards the second question, with reference to the prisoners taken by the Black Sea fleet, I have not seen the statement in the *Moniteur;* but, certainly, if the noble Earl has quoted it correctly, that newspaper has not on this occasion given so accurate a report of the transaction in question as it is in the habit of doing with regard to all matters connected with the carrying on this war. The real circumstances are these—our cruisers had taken some forty or fifty prisoners, mostly men from Russian coasting vessels, and having nothing whatever to do with the men-of-war. Admiral Dundas having reason to suppose that some English sailors of the same class were detained prisoners at Odessa, wrote to Baron Osten-Sacken to propose an exchange of prisoners. The Baron, so far from making no reply, wrote a very courteous reply on the same day, stating that he had no instructions with respect to an exchange of prisoners, and therefore he was not able to carry out the proposal of Admiral Dundas, but that he would write forthwith for instructions to Prince Paskiewitsch, who would be empowered to give them. No answer has yet been received from the Prince, and I have no reason to suppose that Admiral Dundas has released his prisoners without exchange. But be that as it may, definite instructions have now been sent to Admiral Dundas with respect to any prisoners that may henceforward be taken by our vessels of war.

THE EARL OF ELLENBOROUGH: My Lords, we are at the commencement of what, I fear, will be a very long war; and however nervously anxious we may be at home with respect to the events which are from day to day recorded in the newspapers, I do not think it expedient that we should carry our nervousness into this House; and it is a subject of regret to me that the noble Earl thought it necessary to put the question that he has done to the noble Duke opposite with respect to the reported loss of a single ship. We must expect that accidents will occur in the course of the war. War has its chances, and both sides must abide them. With regard to what is stated with respect to the loss of this ship, even if what is reported is true—and certainly nothing that we have heard with respect to Russian public documents is of a character to impress us with the conviction that all their contents are true—I am satisfied that we do not know the whole truth. If it be the fact that two steamers came up after the alleged loss of the *Tiger* and fired, it is my impression that they retook the steamer which was aground, and were endeavouring to bring her off.

THE EARL OF MALMESBURY: This is the second time the noble Earl has favoured me with a lesson on my duty as a Member of your Lordships' House. On this point I must throw myself on the good feeling, the good taste, and the indulgence which your Lordships have always shown towards all whose motives in trespassing on your time were as well known as are those which actuate me on the present occasion. If the lesson with which the noble Lord has favoured me, had come from one of the many Members of your Lordships' House who, though competent to give you the most valuable advice, are nevertheless restrained by their habits or by their modesty from addressing your Lordships, I should not have made any observations whatever upon his remarks, because he would have added example to advice. But when I consider that the noble Earl has made not only this war, but all wars, the peculiar subject of his eloquent addresses; when he takes upon himself in this House not only the duties of an illustrious general but of a great admiral; when he never loses an opportunity, on any question, of advising the noble Duke opposite, who is peculiarly responsible for the management of the war, upon what he should do, or of criticising what he has done; when, beyond that, the noble Earl does not confine himself to events which have passed, and about which the Government have no objection to give explanations; but when his advice and his questions have more than once—nay, very often—tended to extract from the caution —the necessary caution—of the Government, replies which would be dangerous to the public service—I think he is quite the last man who should venture, notwithstanding his high reputation for ability, and his great experience in war, to give a lesson to another Peer, who merely asked the noble Duke opposite—for the sake of the relations of those persons who may be on board the ship, and for the sake of the public generally, who are very anxious on the subject—whether the reported loss of the *Tiger* was a fact. When the whole of this country is agitated by the report in question, and when it was perfectly possible—as I wish it had been the case—that the noble Duke and the Government might have received intelligence which would have at once assuaged alarm, I think I cannot fairly be accused of any indiscretion or bad taste for asking the noble Duke as to the simple fact of whether Her Majesty had had the misfortune to lose a ship, and whether many families might perchance have to deplore the loss of some of their Members.

THE EARL OF ELLENBOROUGH: If I gave the noble Earl a lesson it was a very short one, while the lesson he has given me is by far the longest I ever had in my life. But notwithstanding the extraordinary length of that lesson, I shall continue to do what I have always done in this House, especially from the commencement of this Session—I shall endeavour to do everything which in my opinion will tend to strengthen our position for carrying on this war.

CHURCH BUILDING ACTS AMENDMENT BILL.

THE EARL OF HARROWBY moved that the Report of the Committee upon this Bill be received and adopted.

EARL FITZWILLIAM said, that by this Bill the power of amalgamating parishes was vested in the Diocesan and the Church Building Commissioners; but he thought that the inhabitants of the parishes to be dealt with should have a voice in the matter; and he wished to know whether his noble Friend had any objection to insert a provision to that effect?

THE EARL OF HARROWBY said, that the parishioners would have every opportunity of being heard before any order for the amalgamation of the parishes was made; but he thought the provision suggested by the noble Earl would render the Bill entirely nugatory. When they considered the sort of agitation against any amalgamation that would be got up by the vestry clerk, the churchwardens, the sextons, and others similarly situated, it was quite clear that if the consent of the parishioners was rendered necessary, no union of parishes would ever take place. Besides, under the present law, parishes could be united without any such consent being given on the part of the parishioners.

THE BISHOP OF LONDON said, he quite agreed with the opinion of the noble Earl that the introduction of such a provision as that suggested would be fatal to the efficiency of the Bill. In no case would a church be pulled down in pursuance of the powers given by this Bill, without the parishioners being heard upon the question; but if their assent was indispensably requisite to any union of parishes, any one conversant with the construction of vestries in London would be well aware that it always would be quite easy, on any proposed amalgamation, to get up such an agitation as would prevent that assent being given.

THE BISHOP OF OXFORD said, that the noble Earl had remarked that under the existing law the consent of the parishioners was not requisite in order to the union of parishes. But it should be recollected that the existing law did not contemplate the pulling down of the parish church. And as power to do that was given by the present Bill, he did not think it was asking too much for the laity of the parish, that no such step should be taken without the consent of a majority of the vestry. If the carrying out the objects of the Bill were liable to be obstructed by a factious minority, he would not recommend the introduction of such a provision; but he certainly thought a church ought not to be pulled down without the consent of a majority of the ratepayers.

THE BISHOP OF LONDON said, that, under the existing law, when two parishes were united, one of the parish churches might be pulled down, in pursuance of a faculty issued by the Ecclesiastical Court. The parishioners were heard before this was granted, but their consent was not requisite.

EARL FITZWILLIAM said, that the question was whether the propriety of taking down the old parish church should be determined solely by two ecclesiastical authorities, or whether the lay element should have a voice in deciding it. He believed that all parties were pretty well agreed with respect to the expediency of this measure as far as regarded the City of London; but it was proposed to make it a general measure, and to enforce it in towns which had never anticipated such a step. He certainly thought their inhabitants should have some voice in deciding whether their parishes should be united and their old churches pulled down.

THE EARL OF HARROWBY explained that the power had been vested in the Diocesan and Ecclesiastical Commissioners for the purpose of saving expense, but that the parishioners would have the same opportunity of expressing their opinions as they had under the existing law; but he did not think it advisable to confer a veto upon them.

Amendments *reported;* further Amendments made; Bill *re-committed* to a Committee of the whole House on Tuesday next.

RAILWAY AND CANAL TRAFFIC REGULATION BILL.

Order of the Day for the Second Reading read.

LORD STANLEY OF ALDERLEY *moved,* that the Bill be now read 2^a. His Lordship stated that the object of the Bill was twofold; it first defined the duties and obligations of railway and canal companies, and proceeded to establish a code by which these duties and obligations would be enforced. It had been found a matter of some difficulty to determine the best way of proceeding. It was considered that there were two modes by which the rules might be carried into effect. The one was by the establishment of a separate and independent Board of the Executive Government, and the other by leaving it to courts of law, to whom all complaints should be made to enforce obedience to the laws that were prescribed. There were no doubt a great many authorities in favour of establishing an independent Board, but it was perceived that there were difficulties in the way of doing so. There was no doubt much weight in the argument that had been urged that there would be an objection to commit the necessary powers to a portion of the Executive Government, who would be liable to the imputation of being influenced by political feelings, and though they should not be liable to such imputation such charges would be made and destroy their utility. The other course, therefore, was adopted, and it was proposed that any party having to complain of any infraction of the Statutes and obligations might apply for relief to any of the superior courts of law, who could proceed by way of injunction to have obstacles removed or cause facilities to be given that were required to be given. They conceived, likewise, that the decision of a superior court of law was more likely to be carried into effect than the decision of any Board. Throughout the whole of the communications between the representatives of the railway interest and the Board of Trade, he had every reason to give great credit to those gentlemen for their anxious wish to co-operate with Her Majesty's Government in making this a really efficient and working Bill for carrying into effect the objects which Parliament had in view. Very great importance must be attached to their co-operation in order to do that which otherwise would be extremely difficult, and the objections they had advanced appeared in many instances far from unreasonable. He believed that the Bill now proposed would secure most of the objects which Parliament wished to see carried out; it would give greater facilities to those who necessarily made use of railways; and at the same time it was well calculated to improve the property of the shareholders themselves, preventing the disposition which at present existed, on the part of railway directors and others, to make what was called "fighting lines," and to enter into useless competition with other railways, not so much for the purpose of advantage, as to deprive rival companies of a country which they thought they ought to possess. He trusted, therefore, that their Lordships would not object to give a second reading to this Bill, which he hoped would be productive of all the good effects expected from it.

Lord CAMPBELL looked upon the object of the Bill as an excellent one, but he thought the machinery was not well adapted for carrying that object into effect, and that it would not work beneficially. In its enactments the Bill fell far short of what might have been expected; but, besides this, it seemed wholly ineffective, and, he must say, not very well conceived. The Act sought to turn the Judges of the courts of common law into railway directors. Now, those Judges were most willing to perform the duties devolving upon them in administering the law of the land, and any fresh duties of a judicial nature which their Lordships might think ought to be imposed upon them; but the duties now sought to be cast upon them had nothing at all to do with law. The Judges were, as he said, only made railway directors by this Bill. No rule was laid down which they were to enforce. The whole of this enacting law, as far as railways were concerned, was to be found in the second section; and what did that say? It said this, and no more—that railway companies ought to act honestly; and common-law Judges were to be called on to say whether railway companies had acted honestly or not. They had no statutable or common law authority to which they were referred; no decisions of their predecessors to guide them; but, to be able satisfactorily to discharge their new functions, they must go as apprentices to civil engineers and travel upon the railways, in order to acquire some knowledge of engineering, and of the manner in which these railways were conducted. This second section, he repeated, was in substance merely, that railway companies should do their duty. If they did not do their duty, there might be a complaint to the courts of common law, who were to judge whether those companies had or had not done their duty. The language of the second section was, that "every railway company, canal company, and railway and canal company, shall afford all reasonable facilities for the receiving and forwarding, and delivering of traffic, upon and from the several railways and canals belonging to or worked by such companies respectively." Well, but did not this duty of affording all reasonable facilities devolve upon railway companies before? Then the clause enacted that traffic was to be forwarded "without any unreasonable delay," and so that "no obstruction may be offered to the public." Well, but there ought not to be any obstruction now. This was not laying down any new rules binding the company. "No such company" (the clause continued) "shall make or give any unreasonable preference or advantage to or in favour of any particular person or company." This, too, they ought not to do at present, and railway directors were acting very improperly if they did so.—"Nor shall any such company subject any particular person or company, or any particular description of traffic, to any undue or unreasonable disadvantage in any respect whatsoever;" and they were to afford "all due and reasonable facilities for receiving and forwarding all the traffic arriving by one of such railways or canals," and were to show no undue favour to one or undue prejudice to another. This was what was proposed to be enacted by their Lordships. But all that was just saying, as he had before observed, that railways ought to conduct their business according to the rules of morality and honesty. Well, but how was the Bill to be carried into effect? Why, there might be a complaint to a court of law, that the companies had not done what they should do, that is, that the trains had started too late, that there was not a sufficient number of carriages, that the staff employed was inadequate, that the time was not punctually kept, that one person was favoured to the prejudice of another, or that the luggage trains were not properly conducted. These complaints were to be made. The Judges, then, had first to try upon affidavit whether the trains were sufficiently equipped, whether time had been properly kept, and the fares were just and reasonable, without favour to one or prejudice to another. Hitherto the maxim had been, that the Judges were to answer questions of law, and the jury questions of fact; but here they were called upon to answer questions of fact, upon which they must be wholly incompetent to form an opinion. It might be said that engineers might report to them; but the report of an engineer did not decide the case. The Judges must hear the matter over again after this report was made. They must hear all that could be said against it and in its favour, and after many days' discussion they were to say how many trains should start, what should be the number of carriages, what should be the fares, and all those particulars which would remove the complaints that had been made, taking care that no prejudice was done to one, and no favour shown to another. If the Bill could be at all modified, so as to meet these objections, he should heartily rejoice; but he did trust that their Lordships would not give their assent to the second reading of the Bill unless those objections were entirely removed, which could hardly be done without remodelling the measure. There was, indeed, one section which to a certain degree relieved his anxiety, because it appeared that the Judges might get rid of all this responsibility by passing it over to another tribunal. By the fourth section, any nine of the Judges—of whom the Lord Chancellor, the Master of the Rolls, the Lord Chief Justice of the Queen's Bench and Common Pleas, and the Lord Chief Baron of the Exchequer, were to be five—were to have power from time to time to make general rules and orders "touching the practice and otherwise in carrying this Act into execution before such courts and Judges, as they may think fit;" so that they might transfer these cases from the courts of common law in Westminster Hall, and send them to the petty or quarter sessions or a *pie-poudre* court. With regard to anything of a judicial character, he hoped the Judges of the courts of common law would never shirk their duties; but, looking at the duties entailed upon them by this Bill, he certainly thought they lay beyond the province of the Judges.

THE LORD CHANCELLOR said, it must be admitted that the object of the Bill was a very desirable one, and that a remedy was required for the evil to which it had reference. The public complained exceedingly that at the railway stations in different parts of England there not only were not the facilities which ought to be afforded to railway passengers, but that there was obviously intended there should be a want of proper facilities in order to serve the purpose of particular railways. Facilities were given for forwarding the commodities of particular companies to the prejudice of others. Thus, on the Great Northern—and he supposed it must be mentioned without blame to the officials of that line, who, of course, did so for the benefit of their shareholders—some persons had the means of forwarding their coals to London, while others had none. This was one of the grievances of which great complaint had been made to the Government. Was it not necessarily the duty of the Government to try and remedy that evil? When first appealed to on the subject, he said the abuse could only be reached by instituting a sort of autocratic Board; but, on consideration, he thought this would not do, because it interfered with the pecuniary interest of parties, and it would be always thought unsatisfactory that the Board of Trade, or any railway Board, should be substantially able to put their hands into the pockets of railway companies. It seemed impossible, therefore, to regulate all these matters merely by an administrative Act on the part of the Government, and the companies felt this. Reasonably enough they said, "We don't object to be under regulations, provided it be first legally established that we have failed to do something we ought to have done." This objection you were forced to meet by enacting as well as you could what it was that railway companies were bound to do, and then providing a machinery to see that that was done. The present Bill, which was framed for that purpose, consisted substantially of only two clauses. It enacted that companies should afford all reasonable facilities for receiving, forwarding, and delivering traffic upon the several railways and canals worked by such companies, no undue preferences being given to anybody, but perfect fairness being observed to all. It was said that this was enacting nothing, that it was merely laying down that railway directors should be honest people. This, however, he denied. The Bill enacted that companies must give reasonable facilities for traffic. He might, perhaps, be asked what constituted "giving reasonable facilities?" ["Hear!"] It was very natural for noble Lords to cry "hear" to this, but pray what was the "reasonable facility" which an innkeeper must give? An innkeeper was bound to receive guests who presented themselves, and he might be indicted, or an action be brought against him, if he failed to give reasonable facilities in this way. The difficulty of saying what was reasonable, and what was unreasonable, had not stopped the wisdom of our ancestors in saying that this was a law which ought to be enforced. Then, again, a common carrier was bound to give reasonable facilities in taking all goods which were presented to him. He admitted it was unsatisfactory to be able to say nothing more definite than this in the present Bill; but he did not see it was more difficult to say that a railway company had not given "reasonable facilities," than it was to say that a carrier or innkeeper had failed in complying with the requirements of the law affecting them. This, then, was the substantial meaning of the Bill. Now, how could it be carried into effect? When he was first consulted on this subject, he said, "It seems to me that, having defined, as well as you can, what is the duty of the companies, you should then leave it to those who complain to bring an action against them, and to say, 'You have not given us reasonable facilities;' and when it is established on the trial that such reasonable facilities have not been given, then the Board of Trade should have power to make such regulations as are necessary." The railway companies did not object to this, but said, "You are occasioning to us and to the public an unnecessary expense, and a complication of machinery which we wish to get rid of. We will be perfectly satisfied to take it without trial at all. If a Judge is satisfied upon affidavits that there is cause for inquiry, upon the report of that Judge let there be an order of the court for putting an end to the inconvenience complained of." What was there in principle to make this course either inexpedient, difficult, or objectionable? It seemed to him to be a very simple proceeding. You established, by judicial or *quasi*-judicial proceedings, that that had not been done upon a certain railway which ought to have been done in a particular instance; and this being established, you gave power to the court by an injunction to make the company do that which it ought to have done. Perhaps in theory this might not seem so efficacious as the plan he had first alluded to, of proceeding, after an action brought, by any private person who thought himself aggrieved. If this opinion were general, nothing could be easier than for their Lordships so to alter the Bill in Committee; but he believed that by doing so they would only be encumbering the measure without adding to its efficiency. As to what had been said by the noble and learned Lord with regard to the power of the Judges to transfer the trial of these cases to the sessions, it must be quite evident that if the clause implied this at all, it must only be from a little defect in grammar. The clause ran thus—

> "It shall be lawful for the said courts, or the Judges thereof, ... from time to time, to make all such general rules and orders as to the forms of proceedings and process, and all other matters and things touching the practice and otherwise in carrying this Act into execution before such courts and Judges as they may think fit."

Now, it could hardly be supposed that the clause meant to authorise the Judges to transfer these cases to the sessions; it clearly intended to confine the trial of those cases to the superior courts of law at Westminster. If, however, there was any defect in the clause, it might easily be altered in Committee. He trusted, therefore, that their Lordships would give their assent to the second reading of this Bill.

THE EARL OF DERBY said, that as the object of this Bill professed to be to define and specify the duties and obligations of railway companies, he wished to direct the attention of the Government to a point which was not at all touched in this measure, but which was, nevertheless, of some importance—he meant the claim set up by a portion of the railway companies, and he believed admitted by the courts of law, to exempt themselves from responsibility for accidents, or for damage to passengers and goods conveyed on their lines, notwithstanding proved negligence on the part of their officers, by simply placing on the back of their tickets a statement that the company would not hold itself liable for any damage that might occur on the journey. There was a case tried not long ago where a number of cattle, having been placed in railway trucks to be brought to Smithfield market, were allowed to get out of the train, and loss ensued to their owner by the proved negligence of the servants of the company, and the defective construction of the vehicles in which they were conveyed. An action was brought against the company, and it was proved that the person who put the cattle on the train received and accepted a ticket stating on the back of it that the company would not hold itself liable to make good any loss that might take place on the line; and, therefore, although the accident was proved to have arisen from inefficient management and defective arrangements on the part of the company, there was no remedy for the party who suffered, and the company escaped entirely scot free. He thought the noble and learned Lord opposite said the remedy for the party would have been, in the first instance, to refuse to accept the ticket tendered to him, and then, if the company should refuse to carry either him or his goods, he might bring an action against them, treating them as common carriers who had refused to fulfil their duties as such. But, in the first place, this would be no practical remedy, because there was all the expense and all the trouble to a private individual of proceeding against a great company, and with no great certainty of success in the action after all, because the question of law as to the liability of common carriers was itself not very clear, and therefore they would throw upon an individual the *onus* of attempting to settle a doubtful point of law. But supposing he were to succeed in recovering a certain amount of damages, that would be no satisfaction to him if his cattle had been prevented from arriving at a particular point by a particular time. In the case to which he had referred, the cattle were going to Smithfield market, where they ought to arrive on Monday morning; and it might be all very well to ask the party to remain at Northampton with his cattle until he could bring an action against the company to try whether they were liable to carry his six beasts to Smithfield market; but what would be the practical value of such a remedy as that? The railway companies were now the great monopolists of the carrying trade of the country, because they were the single and sole conveyance by which passengers and goods could be carried to and from distant parts of the country; and, therefore, to say that a person might refuse to sign a ticket, without which ticket the company declined to take him and his goods along their line, and then could subsequently bring an action against them for their refusal, was really saying that you deprived him of all practical remedy whatever. Now he could not understand on what principle it was that the railways, having received this entire control over the whole traffic of the country, should be permitted to exempt themselves from that liability and responsibility which ought to attach to them as common carriers, and as having, moreover, a monopoly of the common carriage of the country, by simply putting on the back of their tickets, which if the passenger refused to accept he lost all chance of getting to his destination, the declaration that they did not hold themselves liable for anything that might happen on their lines to passengers or goods. Nothing demanded more attention from the Legislature, or more required definition, than the state of the law as to whether the railway companies had or had not the power of divesting themselves of all responsibility for any danger arising from their own negligence, and of thus leaving to the public, who were entirely dependent on them for their conveyance, no other choice but that of losing their transit, and subsequently instituting proceedings against the companies; and he thought it desirable to bring this point under their Lordships' notice, seeing that the present Bill purported to define the duties, responsibilities, and obligations of railways.

LORD LYNDHURST said, that by the common law of this country a common carrier was bound to accept goods when offered to him for the purpose of being carried to their destination; and if he were guilty of negligence, and the owner of the goods suffered in consequence, he was bound to make reparation. The common carriers endeavoured to limit their liability by notices similar to those to which his noble Friend had referred, and it was decided, when the case came before the courts of justice that they had a right to do so. The consequence of this was, that an Act of Parliament was passed to prevent that species of defence from being set up. Therefore, as far as common carriers were concerned—he meant the general class of common carriers—that species of defence could no longer be pleaded. But he understood that a case had come before a county court of this description, the very case to which his noble Friend had alluded; and the Judge of the county court was of opinion, that the railway company had no right to insist on the protection of such a notice as that which he had stated; and he was informed, that in consequence of that decision the case came before the Court of Common Pleas, and the Act of Parliament which he had mentioned was there referred to, and the Court of Common Pleas was of opinion that that Act did not apply to railway companies. The consequence of this was, that railway companies, although they were common carriers, stood upon a different footing from that on which the common law and the Act of Parliament placed common carriers. Now, it was clear, that if it was proper to put such a restriction on ordinary carriage where great competition existed, there was a much stronger reason for the application of such a restriction when they came to railways, where the public had no choice and the companies had a monopoly. Under these circumstances he thought a clause should be introduced into this Bill, placing railway companies and common carriers on the same footing in this respect.

EARL GREY concurred in the view taken by the noble and learned Lord who had just spoken. He knew a case where a railway company delivered a ticket, stating that the company received goods for conveyance on the following conditions—namely, that the owners would undertake all risk from the loading or unloading of the carriages, or whether arising from the negligence or default of the company's servants, from defects in the stations, or "from any other cause whatsoever." So that actually the servants of the company might wilfully cut the throats of valuable animals in the trucks, and the company, under the security of this ticket, might turn round and repudiate all responsibility for what had happened. He understood that in the Common Carriers Act, which had been referred to, there was a particular clause which exempted special contracts from the operation of the Act, and that therefore by this clause railway companies could relieve themselves from their just responsibility. He believed that, as the law had been interpreted in the courts of justice, there was no redress afforded to farmers and cattle jobbers. They must send their property to market by railway, and if they were injured by the negligence of the company they could obtain no reparation. It was therefore absolutely necessary that some restraint should be put upon the power of these companies. If he was not misinformed, one of them had attempted to carry this power of self-exemption much further, and had declared in its tickets that even if death was caused on the line, the relatives of a passenger should be entitled to no compensation. The courts of law, had, however, decided that this was a little too strong. [Lord CAMPBELL: Such a ticket would be mere waste paper.] There, ought, therefore, to be a clause inserted in this Bill to settle this matter. At the same time, he thought the liabilities of the railway companies ought to be limited; so that if a valuable racehorse, worth 500 guineas, for instance, was put upon the line without a special notice, the company should not be bound to make good the whole value in case of accident. He believed this Bill, as originally drawn, had a clause suitable for the necessities of the case, but it had been expunged through the powerful influence of the railway interest in another place, to cope with which nothing but extraordinary firmness on the part of those who had charge of such a measure would suffice. He felt that by this Bill the Government were calling upon the courts of law to enforce obligations certainly substantial in their nature, but yet of so vague and undefined a character that it would be extremely difficult for such tribunals, whose proper functions were to expound the common and statute law, to discharge such new duties satisfactorily. Again, it would be very hard towards a private individual, say a cattle jobber dealing in the Newcastle market, to compel him to come into a court of law to oppose perhaps a wealthy and powerful company like the Newcastle, York, and Berwick Railway. He understood that in France, when undue favour was shown by a railway company to the prejudice of other parties, the injured persons laid the case before the Minister of the Interior, who considered it, and if the circumstances warranted it, prosecuted the company in a court of law on behalf of the Government itself.

THE LORD CHANCELLOR said, that was very much the mode proposed by this Bill, because it would enable the party aggrieved to go before the Board of Trade, when, if the case justified it, the Board of Trade would instruct the Attorney General to prosecute.

EARL GREY said, if that were so, his objection so far was removed. When he looked at this Bill and saw how far it fell short of what was required, he more and more regretted that the Government did not, as he had suggested in the early part of the Session, consider what facilities the railways ought to give to the public, and particularly to the Post-office, which had not received from the companies the facilities which that department had a right to expect; and then have framed clauses to be enforced upon the railway companies. They ought to have made it a standing Order of that House that no additional powers should be given to any existing company, unless it inserted in its Bill clauses ensuring to the public corresponding conditions for its benefit. They were told that in the other House the railway interest was formidable; but that difficulty might be overcome in the manner he had pointed out. There was no company in the kingdom that did not from time to time come before Parliament to ask for additional powers, and nothing could be more reasonable than that they should, as guardians of the public interest, say to the companies, "We are willing to grant you the powers for which you apply, but only on the condition that you on your part accept those clauses which we consider to be essential for the protection of the public." It was not too late for their Lordships to take that course now, because there were many railway Bills that had not yet passed; and if they acted on that principle, he believed that, whether they passed such a Bill as the present or not, in three or four years' time there would not be a railway in the kingdom which would not be subject to the liabilities and obligations which their Lordships wished to impose upon it.

LORD STANLEY OF ALDERLEY said, he thought, with reference to the last suggestion of the noble Earl, that it would hardly be desirable to pass such a standing Order as would give the go-by to all the railway legislation of the other House during the present Session. With regard to the Post-office, and the facilities to which it was entitled from the railways, that subject had been under the consideration of the Government, and clauses with respect to it had been prepared; but a Committee had reported that it would not be expedient to introduce those clauses. A separate Bill would therefore be introduced on the subject as soon as the Committee who were considering it had made a further report. He conceived that there would be no objection to putting the railway companies and the common carriers on the same footing, and he would take time to consider the preparation of a clause to be inserted in this Bill for that object. He had not been aware of the decision of the Court of Common Pleas that had been referred to, and had supposed that the law was the same already with regard to railways and common carriers. This Bill laid down the great principle that there were certain duties and obligations attaching to railways which ought to be performed, and the machinery it proposed had the concurrence of the companies. Let that machinery therefore be tested, and should it be found insufficient to attain its object, it would then be competent for Parliament to substitute a better machinery in its place.

THE MARQUESS OF CLANRICARDE said, if it was desired really to grapple with the question, they must begin at the beginning, and reconsider their whole mode of procedure with regard to railway legislation. The whole of the mischief, the enormous losses, the ruin to which thousands of individuals had been exposed, the immense inconvenience to which the public had been subjected in connection with railways, arose entirely from the imperfect system under which railway legislation had been conducted in both Houses of Parliament. He was glad to see in the House his noble and learned Friend (Lord Brougham), who had taken so active a part in promoting many useful reforms, and who had already made attempts, which he trusted the noble and learned Lord would not abandon, to induce their Lordships to legislate on this important subject. It was to him (the Marquess of Clanricarde) a matter of wonder that the people of this country had so long borne the neglect with which a question of such vast importance had been treated by the Legislature. It was, he thought, a great misfortune that, in 1837, cold water should have been thrown upon the modest attempts at the regulation of railways made by Mr. Labouchere. About that period most eloquent and powerful speeches were made on the subject by his noble and learned Friend (Lord Brougham); but Sir Robert Peel unfortunately threw overboard the recommendations of Lord Dalhousie, which were undoubtedly the result of great labour and diligence and were of the highest value. Since that time no effort had been made by any Government to improve our mode of legislation on the subject, and the noble and learned Lord opposite had been almost alone in his efforts to attract attention to the matter in their Lordships' House. It was not yet, however, too late to deal with the question. As had been observed, constant applications were made to Parliament by the great railway companies, and he thought it was most desirable that a proper tribunal should be appointed, which might decide upon the policy and safety of the propositions involved in the Bills that were submitted to Parliament. Their Lordships would then be enabled to deal with the subject in a rational manner, and, by degrees, they would get those great bodies, that now enjoyed a monopoly which was injurious to the country, more or less under their control. The noble Earl below him had thrown out very practical and excellent suggestions; but he (the Marquess of Clanricarde) thought those suggestions could not be carried out unless a better tribunal were established for the consideration of Bills of this description. At present, railway Bills were referred to a tribunal of five Peers, chosen, he could not say by chance, but certainly not from the most efficient Members of the House; and the same observation would apply, with still greater force, to the Committees of the other House of Parliament. One consequence of the existing system was, that most contradictory decisions were adopted upon the important questions relating to railways which were referred to Committees of both Houses. It was most important that they should have a better code and a better tribunal for dealing with this subject; and until some such plan as had formerly been proposed by his noble and learned Friend (Lord Brougham), and which he trusted the noble and learned Lord would again propose, was adopted, it was impossible that railway legislation could be placed upon a footing that would be satisfactory to the public, that would avoid an enormous waste of money, and that would really fully and safely develope the resources of the country.

LORD BROUGHAM entirely agreed with his noble Friend (the Marquess of Clanricarde) that they had mistaken their way from the beginning in their railway legislation, and he was also of opinion that the true remedy to apply to the mischief was an alteration in that course of legislative procedure. But with respect to this particular measure, he also thought that it did not go far enough by a great deal, and that, to a certain degree, it did not go in the right direction. He felt very much the difficulty to which his noble and learned Friend the Lord Chief Justice had called their attention—the difficulty in which the courts of law and the judges would be placed by the Bill, because there was to be an application to any Judge upon affidavit calling upon him to enter into the question whether a given railway that might be complained of had done its duty in providing reasonable facilities either for the goods or for the persons of the parties complaining. He said there would be great difficulty indeed in following this up, so as to carry it into effect; but he did not despair that it might possibly lead to some check in the abuses now so generally, and he was afraid he must add so justly, complained of. There was, however, another alteration which he thought was of tenfold importance—namely, to prevent the possibility of railway companies limiting their liability by putting persons to the election either of not travelling at all or having their goods carried by railway, or of taking tickets which would exempt the companies from the liability which the law cast upon them, or ought to cast upon them. The railway companies sought neither more nor less than to evade responsibility by this special contract—a contract forced upon a passenger—a contract into which he entered upon compulsion—a contract which might almost be said to be bad on account of the duress under which the passenger was compelled to enter into it ; and, if persons did not enter into this contract for the purpose of exempting the companies from the liability which the law of the land cast upon them, they were to be prevented from travelling at all or from having their goods carried by railway. In his humble opinion, this Bill should be so improved as to prevent the possibility of such a system continuing. He was afraid that it would not be sufficient merely to impose upon railway companies the responsibility that attached by law to common carriers, because common carriers were only bound to convey goods. He knew of no obligation upon common carriers to carry persons. But were persons who wished to travel by railway to be told that unless they agreed to take tickets, limiting the liability of the companies in case of accident, they should not be conveyed at all ? Railway companies might so refuse to take passengers as the law now stood, and it would not be sufficient, therefore, to put them simply on the same footing with common carriers. He was very far from wishing to press hardly upon the railway companies ; on the contrary, he should be the last person who would desire to interfere unjustly with that most important branch of the commerce of the country ; its importance, indeed, could scarcely be overrated. But it must be recollected that the railway companies enjoyed a monopoly. From the immense capital required to enter into competition, any company to which the Legislature had given power to establish railway communication between one point and another might be said substantially to enjoy a monopoly. Nevertheless, taking all the railway interest together, he was very far from desiring to see the Legislature, in any alterations they might make, press too hardly upon those interests. 248,000,000*l.* of capital were vested in railways, and the revenue from these undertakings was said to be 15,000,000*l.* a year. He must remind their Lordships, also, that all the suffering and hardship from wrong or negligence in the owners of railways was not on the side of the public. Parliament and the country complained in some respects of the companies ; but, in his humble opinion, the railway interest had no little cause on its part to complain of the Legislature. To how many private Bills did Parliament assent in the course of a Session in which railway companies were interested, and with regard to which it might be said they stood in the position, not of plaintiffs, but of defendants, for the protection of their own interests, and so were obliged to apply for Acts ? He would take the case of the South-Eastern Railway. He had seen a statement of the number of Bills which in the course of the last ten years that company had been compelled to prosecute, and of the far greater number of Bills brought forward by other parties, to the discussion of which that company was compelled to be a party. In one Session, as he was informed, the South-Eastern Railway Company had been compelled to become parties to twenty-seven Bills, only one of which was promoted by themselves, but the company's interests were so far involved in the other twenty-six that, whether they would or not, they were compelled to appear before the Committees of the two Houses. That company, it was stated, had, during a period of ten years, paid very nearly half a million of money for Parliamentary expenses ; so that the company had been paying at the rate of 50,000*l.* a year in consequence of the course of Parliamentary proceedings with respect to private Bills. He was told, also, that the expenditure of the Great Western Company, under the same circumstances, had been even more considerable. It was unquestionable that means must be found, notwithstanding the great power of the railway interest elsewhere, for coming to an understanding with those important bodies, not by way of threat—for it would be below the dignity of the Government, and still more below the dignity of Parliament, to adopt such a course—but by holding out to them inducements—by saying to them, "If you do so and so, you shall have such and such relief or benefit." In consideration of such relief—which the companies might regard as most precious—they should be required to submit to certain alterations for the benefit of the public ; and in adopting a course of this description the Legislature would further have the satisfaction of knowing that they would also mightily improve the course and system of transacting Parliamentary business in general. He hoped that this subject would, with the least possible delay, be specially considered by both Houses of Parliament. He had repeatedly called the attention of their Lordships to it; and had laid before them some years ago a body of Resolutions for effecting the improvement in Private Bill legislation. He had the happiness of knowing that the attention of the greatest authority in the other House—the Speaker—had lately been directed to it, and he was confident that the more the subject was examined the more strong would be the conviction of the absolute necessity of making some alterations in the course of private legislation. Within the last eight years great improvements had been effected in the proceedings with regard to private business in the other House by the appointment of Examiners, who perform the duty which used to be discharged by preliminary Committees, of ascertaining whether the Standing Orders had been complied with. The appointment of those Examiners had, he understood, been productive of the greatest possible benefit. They got through their inquiries in one-third of the time that used to be occupied by the preliminary Committee. He understood that during the last Session 366 private Bills passed through Parliament, and the Examiners were able to discharge their duties in connection with those Bills in five or six weeks, while, under the old system, the Committees would have been engaged for as many months. There was not only a great saving of time, but considerable saving of expense to all parties, and the inquiry conducted by the Examiners had the advantage of being much more deliberate and satisfactory than that of the Committees. He hoped the recommendation contained in a Resolution that had been passed, he believed, almost unanimously in the other House, would be adopted—namely, that the same general plan of procedure with respect to private Bill legislation should be common to both Houses. He would not be satisfied with the mere appointment of Examiners by their Lordships; but he hoped to see joint Committees of both Houses of Parliament substituted for the separate Committees of the two Houses, according to the plan laid down in his Resolutions, a plan originally suggested by the Duke of Wellington in one particular case, that of boroughs charged with corruption, but a plan of unusual application.

EARL GREY remarked, that there was nothing novel in the proposal that their Lordships should attach certain conditions to their consent to pass measures of private legislation, and that such a course would be no invasion of the rights or privileges of the other House, but would be a legitimate exercise of their Lordships' powers.

LORD CAMPBELL hoped that, as the second reading of the Bill would not be opposed, ample time would be given for considering its provisions before their Lordships were asked to discuss it in Committee. He also wished to have an opportunity of consulting with his brother Judges as to the additional duties proposed to be cast upon them by this measure.

LORD STANLEY OF ALDERLEY expressed his readiness to meet the wishes of the noble and learned Lord.

On Question, *agreed to;* Bill read 2ª accordingly; and *committed* to a Committee of the whole House on *Friday* next.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, May 19, 1854.

MINUTES.] PUBLIC BILLS.—1° Ecclesiastical Courts; Cruelty to Animals.
2° Public Statues.

EXCISE DUTIES BILL.

Order for Committee read.

House in Committee.

Clause 1.

LORD NAAS said, he must advert to the fact that the Government had not redeemed the pledge given by the Chancellor of the Exchequer to make an addition to the strength of the revenue police in Ireland. This, however, ought to be done, if it were intended to augment the spirit duty, for an increase of illicit distillation might be expected to follow from that measure. True, illicit distillation had not increased to the degree anticipated from the additional duty imposed last year; but the reason for that was to be found in the high price of grain. It was notorious that when prices were high but little illicit distillation took place, but when otherwise too many farmers turned their grain into whisky. The number of gallons of spirits on which duty had been paid last year in Ireland was less than it had been in the preceding year, and as it was well known that drunkenness had, on the other hand, increased to a considerable extent; he, therefore, considered that the consumption of whisky among the people had not, in reality, decreased, but that an increased supply had been obtained by means of illicit distillation, than which there was no greater curse to the country. He wished, therefore, to know whether the Government intended to make use of those additional means to put a stop to illicit distillation which had been alluded to last year by the Chancellor of the Exchequer?

Mr. J. WILSON said, he thought the noble Lord was mistaken as to the fact of a decline having taken place in the consumption of whisky in Ireland, for the noble Lord spoke upon the authority of returns from January to January, whereas it appeared from the Inland Revenue returns, which were calculated from April in last year, when the alteration of the duty came into operation, to last April, that there had been an increased consumption in that period. It appeared from this return that the consumption in 1852-3 was 9,820,000 gallons, while in 1853-4 it had increased to 10,350,000 gallons. In the quarter ending on the 5th of April in last year the consumption was 302,000 gallons, while in the corresponding quarter in the present year it was 406,000 gallons.

Colonel DUNNE said, the noble Lord (Lord Naas) had quoted from a return which had been presented to the House that morning. He believed that a greater amount of illicit distillation had been carried on than the Government supposed.

Mr. GOULBURN said, there had been a considerable increase in the convictions for smuggling whisky. Whenever a duty was imposed upon an article, and its price was thereby raised, its consumption was necessarily diminished, and the inference he drew from the decrease in the consumption of whisky was therefore the opposite to that of the noble Lord.

Lord NAAS said, he wished to know whether the Government intended to take any steps to carry out the plan of which the Chancellor of the Exchequer had spoken for putting a stop to illicit distillation.

Sir JOHN YOUNG said, the subject was under the consideration of the Government, and information would be given to the House when they arrived at a determination with respect to it.

Mr. FRENCH said, he hoped the noble Lord (Lord Naas) did not wish to urge the Government to make a change that would be destructive of the efficiency of the constabulary force in Ireland, which had been established only upon a pledge being given by the Government that it should not be employed either for revenue purposes or for the protection of the game.

Clause *agreed to.*

Clause 2.

Mr. WALPOLE said, by this clause the tax was to commence on the 8th August, and to continue until the 5th July, in any year after a treaty of peace was concluded. He should like to know why the tax was to continue until the 5th July in any year after a treaty of peace was concluded, when the tax was stated to be a war tax only, and intended to last only during the war? A treaty of peace might be concluded in an August or September, and in that case a tax would continue for nearly a whole year afterwards.

Mr. J. WILSON said, it had been customary in passing laws of this kind for war purposes, to state a specific period of the year after a peace had been concluded at which the tax should be discontinued. July the 5th had been fixed upon because that period of the year was particularly suitable for balancing the Excise accounts. There was also another reason. It was a fact that there was a larger expenditure in 1816, the year after the peace, for debts incurred during the war, than in any preceding year of the war; and the continuance of this tax for a short time after a treaty of peace might be desirable for the purpose of meeting a similar expenditure.

Mr. WALPOLE said, that if the peace were concluded in June, the Bill would not carry out the object which the hon. Gentleman intended it to effect. He would, therefore, suggest that the tax should be continued for one month after the ratification of the treaty of peace.

Mr. J. WILSON said, he had been misunderstood. He did not say for the payment of current expenses, but for the expenses incurred during the war—he meant commissariat and other expenses incurred during the war, but actually paid for after the war.

Mr. HENLEY said, he thought the reasons neither good nor sufficient for a continuance of the tax to a time after peace should be proclaimed. It was a war tax, and ought only to be applied during the war.

Mr. GOULBURN said, the Committee must allow a sufficient time, after the determination of the war, in order that distillers' stocks on hand might be disposed of before the duty fell. The time allowed for that purpose ought to be at least six months, and that period would enable parties to prepare for the reduction in the duty.

Mr. WALPOLE said, that the duty to be granted was upon malt, and the clause stated that it should continue to be charged and paid during the war, and until and upon the 5th day of July next following the signing of a definitive treaty of peace. The right hon. Gentleman's reasons referred to spirits and not malt.

Mr. GOULBURN: The reasons applied to malt exactly the same as to spirits. The principle was the same in both cases, as both were Excise duties. A certain period ought to be fixed, so as to enable parties who had stock to dispose of it before the reduction in duty.

Mr. DISRAELI said, the objection to the clause was, that at present it did not provide for a period after the war at which time the tax should be discontinued. It certainly did not provide for the circumstances which the right hon. Gentleman (Mr. Goulburn) referred to.

Mr. BASS said, that maltsters did not require any such notice as had been named.

Sir FITZROY KELLY said, the clause did not support the project announced by the right hon. Gentleman the Chancellor of the Exchequer. It was said this tax was to be a war tax, and the additional duty to be continued only during the war. So far from that being so, the clause made the tax payable for a period of one year, or more than a year, after a treaty of peace should be signed. It would, therefore, be no longer a war tax. He hoped the Government, though all powerful as they were, would at least listen to the dictates of reason—he had almost said attend to the rules of grammar—and make an alteration in the clause.

Sir CHARLES WOOD said, the 5th of July was a very convenient day for the discontinuance of the tax, as it was the termination of the malt season. There was some force in the reasons which had been urged for its ending at some given period after peace had been signed, and he should, therefore, suggest that words should hereafter be inserted in the clause to continue the tax until the quarter day next ensuing after six months had elapsed since the ratification of peace. He thought it ought to continue for six months after the conclusion of peace, as the expenses at the termination of a war—such as paying off the ships—were very great.

Mr. LABOUCHERE said, he considered that it would be better to leave the time to be fixed to the Government; but he hoped the right hon. Baronet (Sir C. Wood) would reconsider the subject, and see whether it would be necessary to fix upon the quarter day after a period of six months should have elapsed. He (Mr. Labouchere) did not see any virtue in a quarter day being fixed upon. He thought the period of six months perfectly sufficient to meet the circumstances of the case. There were reasons in favour of July being fixed upon, as it was not in the malting season.

Mr. BASS said, he believed it had been found by experience that the 5th of July was the most convenient day to fix for terminating this duty. Hon. Members must recollect that the Government would get little or nothing from this tax during the next six months, as the malting season was over, and would not commence again until September or October. Stocks, too, were very low at this time, in consequence of the high price of barley.

Mr. DISRAELI said, he wished to hear some explanation from the Government as to the statement of the hon. Gentleman who had last addressed the Committee; because when he had proposed to postpone the consideration of the Resolution on the malt duty for a week, he had been informed by the noble Lord (Lord J. Russell) that it would make a difference of 250,000*l.* to the revenue if that were done. He trusted that the information which the hon. Gentleman (Mr. Bass) had just given the Government had not disappointed their expectations with regard to the tax. He thought the point under consideration demanded a little more inquiry than seemed to have been given to it, and, as different Members of the Government had taken different views as to the effect of the clause, he would suggest that it had better be postponed for the present.

Sir JOHN SHELLEY said, he also

thought it better that the discussion should be postponed, and he would take that opportunity of suggesting that if the hours required for the steeping of barley (at present forty-eight) as a test of its fitness for malting purposes were extended, the result would be an immense relief to the agriculturists generally, and a cheapening of the article, inasmuch as at present only a very small quantity of the land of the country was adapted for growing first-class barley, compared with that which would be employed in its cultivation if the suggestion he made were adopted. At present, the effect was to give protection to Norfolk and one or two other counties, to the prejudice of other parts of the country.

MR. BASS said, that the right hon. Gentleman (Mr. Disraeli) laboured under a misapprehension as to what the noble Lord the Member for London had stated the other evening. The expectation referred to by the noble Lord that 250,000*l.* might be lost unless the Resolution were agreed to at once was not on account of the malting season being ended, but arose from the great probability—the almost certainty, indeed—that, if any number of days had been allowed to elapse, the stocks of malt in the hands of the maltsters would at once have been transferred to their private customers. He did not think that the estimate of 250,000*l.* was at all an exaggerated one under the circumstances.

LORD JOHN RUSSELL said, that what he had stated was that, though the duty might be collected upon the Resolution of the Committee, still that it would be irregular to act upon that Resolution until the House had confirmed it, because what passed in Committee was not supposed to be, and was not, indeed, in point of form, a regular proceeding in the House.

MR. BASS said, he would appeal to his hon. Friend the Secretary for the Treasury whether he would not, before the Bill passed, consider the question of giving a drawback upon hops which were employed in the manufacture of beer for exportation, and which amounted to a considerable sum in the course of a year. They had never hitherto been allowed a drawback upon hops, but it was necessary that they should have it if the British growers were to have justice in foreign countries.

MR. HADFIELD said, he thought that if a drawback were allowed upon malt, it should also be allowed upon hops, for he could not see what claim the one had that was not equally possessed by the other.

MR. J. WILSON said, he did not deny the justice of the claim, but, though it did not form any part of the present measure, still it had escaped neither his nor the Chancellor of the Exchequer's attention.

SIR JOHN TROLLOPE thought the Government ought to have imposed the beer tax, which, in consideration of the morals of the country, ought never to have been abandoned. The licencing system had grown up of late years. This frightful monopoly ought to be dealt with; but he feared the Government would not grapple with it. The malt tax was a singular illustration of the free-trade theory—it ought to be put a stop to as soon as possible after the cessation of the war. He could by no means agree in the suggestion of the right hon. Baronet (Sir C. Wood), that it ought to last for nine months after the cessation of the war.

Clause *agreed to*, as were also two Supplementary Clauses.

The House resumed.

WAYS AND MEANS—SUGAR DUTIES.

House in Committee of Ways and Means.

On the First Resolution being read,

MR. J. WILSON said, that, before asking the Committee to agree to the Resolutions that were on the paper, he wished to say a few words by way of explanation on the second Resolution, by which it was proposed that 17*s.* 4*d.* (with 15 per cent thereon) on foreign refined sugar should be charged until six weeks after the 5th of July, and that the reduced duty of 16*s.* per cwt. was not to be charged till after that time. The following were the grounds on which the Government made this alteration:—The Committee was aware that on the 5th of July the whole of the raw sugar taken into consumption by the refiners would suffer great diminution of duty; the duty at present was, in round numbers, 15*s.*; it would, on that day, be reduced to 12*s.* The British refiner could not possibly avail himself of this reduction on the raw material until the 5th of July, and, as the process of refining occupied a period of six weeks or two months, he would be placed in an unfair position as regarded the foreign refiner, unless this Resolution were agreed to. It was objected, on the other hand, that the foreign refiners had, in anticipation of this disability of the British refiner, ordered large quantities of sugar from abroad to arrive in this country on or about the 5th of July, in order to avail themselves of the reduction that was to have taken place, and that now they would by the proposed alteration not have that command of the market which they expected. It had, however, been thought but just that the British refiner should only be brought into fair competition with the foreign refiner, and this was sought to be effected by the second Resolution. The Committee by agreeing to the Resolution would not foreclose further consideration of the matter, and the Government would be open to listen to the representations of all parties, in order that the various interests involved in this question might be fairly adjusted.

Mr. MOFFATT said, he would suggest that other objections than the one mentioned would arise from the proposed alterations in the sugar duties. He wished particularly to call the attention of the Committee to the second Resolution, which was a direct deviation from the arrangements originally proposed by the Chancellor of the Exchequer; it was fraught with injustice to all parties interested in foreign sugars, and involved a breach of contract that was not justifiable on any ground. The only attempt that had been made to justify the course proposed by the second Resolution was, that the British refiner would otherwise be placed in unfair competition with the foreign refiner, but if the small quantity of foreign sugar that went to the British refiner was taken into consideration, the Resolution could not be justified on that ground.

Sir JOHN PAKINGTON said, he begged to express his great satisfaction at the concession which had been made by Her Majesty's Government, and which was founded on the strictest principles of justice. If there was one subject more than another of which he thought he had taken leave for the rest of his life it was the sugar duties, and he had very little hope that he would have been called upon to express his satisfaction at having recourse to a sliding scale of sugar duties. At present he would say nothing of the policy of an alteration of those duties, but, in raising additional taxes for carrying on the war, the Government could not have selected one less open to objection, irrespective, of course, of the policy of putting a tax upon sugar.

Mr. THORNELY said, he wished to suggest to the Committee the difficulty that he was afraid would arise in making a fair assessment in the present instance, as they had such a variety of duties on the same article.

Mr. DUNLOP said, he thought the proposal of the Government based on substantial justice, and hoped they would not do anything to bring the home manufacturer into competition with the foreign manufacturer before the time when it could be done on common grounds. He had full confidence that Government would do justice to all parties, and therefore would not oppose the Resolution.

Mr. W. BROWN said, he thought that it would be better to give a drawback to the home refiner during the period to which the Resolution referred, than to adopt the course proposed.

Mr. J. WILSON said, he wished to make one or two observations upon the discussion which had taken place. It had been stated that the present scale of duties was an attempt to remedy an obvious inequality which existed in the duties as they were levied before, with regard to the amount of saccharine matter contained in the different qualities of sugars. No doubt, that was the case; and he at once freely and frankly admitted that if it had been in their power to have allowed refining in bond without creating difficulties which it was most desirable to avoid, that would have been a far more just measure to all the parties concerned than the proposal now before the Committee, because in that case the duty would have been paid in exact proportion to the amount of saccharine matter yielded by the different qualities of sugars. But when they considered the extensive Excise restrictions which would have been required, they were not prepared to encounter such great difficulties, or to place so important a trade under the disadvantages which every excise trade must necessarily labour under; and, therefore, when hon. Members said they hoped that the present scale of duties had been adopted as an approximation to the benefits which would have been obtained by refining in bond, he was bound to state to the Committee that the Government had no intention of departing from their present proposal, or of adopting, under any circumstances, the system of refining in bond in lieu of it.

Resolution *agreed to.*

Resolved—

"That in lieu of the Duties of Customs upon

Sugar and Molasses, which shall become payable from and after the 5th day of July, 1854, under the Act 11 and 12 *Vict.*, c. 97, the following Duties shall be charged on Sugar and Molasses imported into the United Kingdom; (that is to say),

	s.	*d.*
"Candy, Brown or White, Refined Sugar, or Sugar rendered by any process equal in quality thereto (except as hereinafter mentioned), for every cwt.	16	0
"White Clayed Sugar, or Sugar rendered by any process equal in quality to White Clayed, not being refined or equal in quality to refined, for every cwt.	14	0
"Yellow Muscovado and Brown Clayed Sugar, or Sugar rendered by any process equal in quality to Yellow Muscovado or Brown Clayed, and not equal to White Clayed, according to a standard to be furnished by the Treasury, for every cwt.	12	0
"Brown Muscovado, or any other Sugar, not being equal in quality to Yellow Muscovado or Brown Clayed Sugar, according to a standard to be furnished by the Treasury, for every cwt.	11	0
"Molasses, for every cwt.	4	6"

On the Second Resolution being read,

MR. CAIRNS said, he wished it to be distinctly understood that, according to the statement of the hon. Member for Westbury (Mr. Wilson) the passing of this Resolution was not to preclude the further consideration of it by the Treasury. In the meantime, however, he thought it was desirable that the Committee should know what it was of which the trade complained. It was this. The Chancellor of the Exchequer, in making the announcement which was now followed up by these Resolutions, stated that the change which the Government proposed in the sugar duties would come into operation on the 5th of July, and that from that day the different kinds of refined sugars would be admitted at a duty of 16*s*. per cwt. In consequence of that declaration a number of merchants gave large orders for foreign refined sugars to be sent to them, and entered into contracts, for the fulfilment of which they were, of course, responsible. Having thus compromised themselves to a large amount they suddenly found that, for some reason or other, the Treasury had put back the day from the 5th of July to the 16th of August. What was the consequence of that? It was well known in the sugar trade that the most important part of the year for the consumption of sugars was the fruit season, the greater part of which must be included between the 5th of July and the 16th of August; and therefore all these merchants who had made contracts for foreign refined sugars, to be delivered to them on or before the 5th of July, would have to lay those sugars up till after the 16th of August. They would not have the benefit of the summer sale, and other parties who had got their sugars ready to be brought into the market would obtain all the benefits of the consumption in the fruit season. He thought the Committee would see that the case of the merchants to whom he had referred deserved the most careful consideration, and it was for that reason that he was anxious to have it clearly understood that the passing of this Resolution was not, in the first place, to preclude its reconsideration on the part of the Treasury, and was not, in the next place, to prevent the further agitation of the question in case no remedy should be provided by the Government.

MR. MOFFATT said, he hoped, after what had fallen from the hon. Secretary to the Treasury, that the Government would consider this matter, and allow foreign refined sugar to come in at the same date as foreign raw sugars. If, however, he could show that there was any injustice to the home refiner, let them adopt the suggestion of the hon. Member for South Lancashire (Mr. W. Brown), and grant them a drawback. He would not divide the Committee at the present time, on the understanding that the question was to receive the further consideration of the Government.

MR. MILES said, he agreed with the hon. Secretary to the Treasury that there were great difficulties in the way of refining in bond, and thought it would be better to fix definitely in the Bill what the duties should be.

MR. BAILLIE said, that when Resolutions were brought forward they should either be adopted or rejected at once. He thought it would be mere trifling if the Committee were to pass the Resolution now solely with the view of reconsidering it at a future day.

MR. DIGBY SEYMOUR expressed his intention to support the Amendment, and said that his constituents in the sugar trade had given their orders on the faith of the Chancellor of the Exchequer's statement, which they could not suppose he would afterwards depart from.

MR. GOULBURN said, he did not think it was wise in the Committee to oblige the Chancellor of the Exchequer to adhere strictly and precisely to the terms which he might have used in making his financial statement. When he announced the changes which he intended to propose in the sugar duties he could not possibly have had any communication with parties engaged in the trade, and it was obvious that by representations subsequently made to him by those parties, he might be induced to alter the Resolutions which were ultimately to be proposed to the House. If, therefore, gentlemen chose to speculate upon the strength of statements made by the Chancellor of the Exchequer in the first instance, instead of waiting till the House, by affirming his Resolutions, had declared what the proposed changes should be, they had no right to come to Parliament and complain of having been misled and deceived.

Mr. J. WILSON said, he was obliged to the right hon. Gentleman for the constitutional reason he had given why the merchants had no right to complain; but fortunately the argument was not required, because the alleged grievance was a mistake, and the hon. and learned Member for Belfast (Mr. Cairns) laboured under a complete misapprehension. The Chancellor of the Exchequer never proposed that the new scale of duties upon foreign refined sugars should come into operation on the 5th of July; on the contrary, when he made his statement to the House he held in his hand the precise Resolution which was now before the Committee, and that Resolution would have been passed upon that occasion, but for the proposition of the hon. Member for Huntingdon (Mr. T. Baring) to put on an additional duty of 15*s.* all round, instead of at once adopting the new arrangement. He supposed that the transactions referred to by the hon. and learned Member for Belfast had been entered into upon the faith of the Act of 1848, which he admitted parties had no reason to presume would cease to be the law of the land; and, if so, it was plain that the risk and inconvenience which the sugar merchants had incurred were merely those to which every trade was exposed when that House undertook to alter the law. At the same time, he was bound to repeat the observation which he had previously made, that the passing of this Resolution would not preclude the Treasury from reconsidering the question.

Mr. J. L. RICARDO said, he thought it was not unlikely that this Resolution was in the hand of the Chancellor of the Exchequer when he made his financial statement to the House, and he also would admit that the exact time at which the alteration of the duties was to take place might have been misunderstood; but it was quite impossible that the Chancellor of the Exchequer could have been understood to say that there was to be a distinction between the time when the duties were to be altered upon raw sugars, and the time when the duties were to be altered upon refined sugars. He ventured to affirm that the Chancellor of the Exchequer never said a word to that effect. The right hon. Gentleman was not generally so difficult to understand as to lead to a mistake of that kind. What the trade understood him to say was, that the proposed change would be made simultaneously upon raw and refined sugars, and it was now for the first time that they learned from the lips of the Secretary of the Treasury, and from the terms of his Resolution, that such was not to be the case. He could not help thinking that the trade had been exceedingly ill used; and when the right hon. Member for the University of Cambridge (Mr. Goulburn) told them that they were not to speculate upon the strength of a statement made by the Chancellor of the Exchequer, he was astonished to hear such an observation fall from a Gentleman who had himself so long and so worthily filled the high office of Finance Minister, and who, during the whole of his career, never uttered a word which he did not carry out fairly and honestly.

Mr. ARCHIBALD HASTIE said, he wanted to know what the hon. Member meant by "the trade." He understood that the hon. and learned Member for Belfast (Mr. Cairns) was anxious that the new scale of duties, instead of commencing on the 16th of August, should be brought back to the 5th of July, in order to prevent a few rash and premature speculators in foreign sugars from sustaining a loss. Now, all he had to say was that any merchant who speculated upon the strength of a statement made by the Chancellor of the Exchequer in bringing forward his Budget must be a very inexperienced and a very imprudent man. It very seldom happened that the whole of a Budget was stated accurately or clearly, and no part of such a statement was more liable to be misunderstood than that wherein alterations of duty were proposed. He was surprised, therefore, that such speculations should have been entered into as those to which the hon. and learned Member for Belfast had referred; but, whatever might be his feelings towards those parties who had been guilty of so much rashness and imprudence, he felt it his duty to oppose the proposition of the Government as it stood.

Sir CHARLES WOOD said, that there could be no doubt that English refiners of sugar ought to have every just preference that could be allowed them, but, at the same time, he did not consider it advisable, on a collateral issue like the present, to open the whole question of the sugar duties. He believed that the Chancellor of the Exchequer had only done justice to the English refiners in the course which he had considered it his duty to advise the House to follow.

Mr. CAIRNS said, he must deprecate any further discussion upon this subject in the then state of the House, so many Members having left on the understanding that, in consequence of the absence of the Chancellor of the Exchequer, these matters would not be seriously gone into. There was no doubt that this subject might be arranged to the satisfaction of all parties if it were temperately considered, and adjusted in the usual way that all these nice financial questions were always best disposed of—namely, the quiet consideration of them by parties principally and mutually interested in them.

Mr. MOFFATT said, he wished to know, after what had been said, whether the Government were still open to conviction, or whether he was to understand from the right hon. Baronet the Member for Halifax (Sir C. Wood) that they would abide by their Resolution?

Sir CHARLES WOOD said, he had merely stated that the Chancellor of the Exchequer was open to solicitation on this question.

Mr. MITCHELL said, that the Chancellor of the Exchequer had made a statement of his intention to raise the duty upon the lower class of sugar; but he had left it to be supposed that no alterations were to take place relative to the duties on refined sugars. He considered that the statement of the Chancellor of the Exchequer was very indistinct upon the matter.

Lord JOHN RUSSELL said, he considered that the proposition of the hon. and learned Member for Belfast was both fair and reasonable, and he had little doubt that his right hon. Friend the Chancellor of the Exchequer would be happy to hear any reasonable suggestions on the subject.

Mr. MOFFATT said, that as the Government were evidently disposed to allow all fair reconsideration to the question, he was happy to have an opportunity of meeting the convenience of the Committee, and would not continue his opposition to the Resolution.

Resolution *agreed to.*

Resolved—

2. "That the Duty of 17*s.* 4*d.* (with 15 per cent thereon) for every cwt. now payable on Candy, Brown and White, Refined Sugar, or Sugar rendered by any process equal in quality thereto, shall continue to be charged on all such Sugar being the growth or produce of any Foreign Country, until the 16th day of August, 1854 inclusive, and that from and after the 16th day of August the Duty of 16*s.* shall be charged on such Sugar for every cwt."

Resolved—

3. "That in lieu of the Bounties and Drawbacks now payable on the exportation of Refined Sugar, the following Bounties or Drawbacks shall be allowed from and after the 8th day of May, 1854, on the exportation from the United Kingdom of the several descriptions of Refined Sugar hereinafter mentioned (that is to say),

	s.	*d.*
"Upon Refined Sugar in loaf, complete and whole, or lumps duly refined, having been perfectly clarified and thoroughly dried in the stove, and being of an uniform whiteness throughout, or such Sugar pounded, crushed, or broken, or Sugar Candy, the cwt. . . .	15	0
"Upon Bastard or Refined Sugar, broken in pieces, or being ground or powdered Sugar, or such Sugar pounded, or crushed or broken, for every cwt. .	11	0"

WAYS AND MEANS—THE INCOME TAX.

Motion made, and Question proposed—

"That, towards raising the Supply granted to Her Majesty, there shall be charged and raised yearly, from and after the 5th day of April, 1854, in lieu of the Rates and Duties chargeable under the Act 16 & 17 *Vict.* c. 34, and of Rates and Duties granted in the present Session of Parliament, for and in respect of all property, profits, and gains, chargeable under the said Act, the Duty of one shilling and two pence for every twenty shillings of the annual value or amount of all such property, profits, and gains, respectively."

Mr. W. WILLIAMS rose to move the Amendment of which he had given notice; upon which

Lord JOHN RUSSELL said, he would appeal to the hon. Member whether he would press his Amendment in the absence of the Chancellor of the Exchequer, the then state of the House, and the pressing business which it was absolutely necessary should be gone through?

Mr. W. WILLIAMS said, he would not do so if he saw any other opportunity than the present of bringing it forward; but he did not see how he could come before the House on such an Amendment except on the question of Ways and Means.

Lord JOHN RUSSELL said, he really could not suggest to the hon. Member any other opportunity of bringing forward his Amendment; if, therefore, he was serious in his intention of pressing it forward, he had better go on with it now.

Mr. W. WILLIAMS said, he considered his Amendment to be a means of raising a sum very little short of 2,000,000*l.*, not by the imposition of any new tax, but by a just and equal levying of a tax upon the rich which was now imposed upon the rest of the community. He disclaimed having the remotest intention of throwing any impediment whatever in the way of the Chancellor of the Exchequer raising sufficient funds for carrying on the war with vigour, by which alone, in his opinion, it could be brought to a speedy termination. He entirely approved of the determination of the Government not to carry on the war by means of loans and the creation of debts, and not to follow the example of our forefathers in throwing the cost on their posterity. At the conclusion of the last war, the present generation had a legacy left them in the shape of a debt of upwards of 800,000,000*l.*, and during forty years of peace little progress had been made in its reduction, for it now amounted to upwards of 780,000,000*l.* That was a sum he thought quite sufficient to bequeath to our posterity, who might in their day have to contend with Nicholases starting up in other countries, even more powerful than the Autocrat of Russia. Even if the exigencies of the war did not require additional taxation, this proposition ought to be adopted as an act of common justice and common honesty. It was monstrous that aristocratic landowners, and the holders of real property, should escape a tax levied upon every other description of property. All property, with the exception of real property, from the value of 20*l.* to 1,000,000*l.* was subject to a probate duty of from 3 per cent to 1½ per cent. He stated the largest amount first, because the smaller amount yielded the most revenue. Property of the value of 20*l.* paid 2½ per cent, and of a value above 80,000*l.* 1½ per cent. That was very unjust, but what was worse, 20*l.* invested, and not left by will, paid a duty of 50 per cent more than he had named, that was to say, 3¾ per cent. To show the hardship of the law, he would instance the case of a poor man dying, with 15*l.* invested in a savings bank, in which case the Government had the power to send a broker to his cottage to value every item of property, even wearing apparel, and if the whole amounted to 20*l.* to levy 2½ per cent in case of a will, or 3¾ per cent in case of no will, upon the surviving son or daughter, without even allowing the duty on the cost of the coffin and grave of the deceased person. Perhaps a still more forcible illustration of the injustice of the law was the case of the dukedom of Portland. The late Duke left behind him one of the largest estates in the country, and a vast amount of personal property. The present Duke, who inherited the estates, by the Act of last Session paid a succession duty upon property amounting to the value of millions, of one-third of 1 per cent, or 6*s.* 8*d.* for every 100*l.* The personal property left to the other sons paid 1½ per cent probate, and 1 per cent legacy duty. Most probably the late Duke, who was a very humane, kind-hearted man, left legacies to his old and trusty servants, and they would have to pay at least 2½ per cent probate, and 10 per cent legacy duty. The junior branches of the family would have to pay seven times, and the servants thirty-seven times, more duty than the eldest son, who inherited the real property. There was not a single despot in all the Continent of Europe, and there were plenty of them, who would allow so unjust and unequal a law to exist. Such a law did exist in France before the Revolution, and the best commentators attributed the Revolution to such injustice as that having been left unremedied. The Ecclesiastical Commissioners appointed in 1832, recommended that probate should be taken out on all real property, and the present Lord Chancellor brought in a Bill, called the Testamentary Jurisdiction Bill, which had been lately sent down to that House, containing clauses to make real property take out probate. Nothing was said in the Bill about paying probate, but the clauses were quietly withdrawn for fear the payment of probate duty should be agitated upon them. With respect to the exemption of corporate properties from the succession duty, he considered the Chancellor of the Exchequer had not the least idea of the extent and amount of that description of property. The trading companies in London, which were in the nature of corporations, nearly every one of them possessed real property, varying in amount from 10,000*l.* to 50,000*l.* a year.

He should like to know why that description of property should be exempted? It was said because corporations never die. But it was easy to ascertain the average life of man and make them pay on that average, either for a term of years or an annual sum. There were 180 corporations in England and Wales, all possessing real property, and some to a very large amount —to say nothing of corporations in Ireland and Scotland. Then again the real property of the Universities and colleges was enormous, and the lands, mines, and rectorial tithes belonging to bishops and chapters were extremely large. He did not propose to levy a tax upon the working clergy. What he proposed was, that real property should pay an equal portion of probate and legacy duties with personal property. In conclusion he had only one other suggestion to make; that the succession tax should be made payable in six months instead of by eight instalments, spreading over a period of four years and a half. This could not be called unjust, because every person who received a legacy was obliged, under heavy penalty, to pay the duty on it within twenty-one days.

Amendment proposed, to leave out from the word "That," to the end of the proposed Resolution, in order to add the words—

"before the country shall be subjected to additional taxation, Real Property shall be made to pay the same Probate Duty as is now payable on Personal Property, and that Corporate, Collegiate, and Ecclesiastical Property shall pay a Duty equivalent in amount to the Probate and Legacy Duties levied on other kinds of property," instead thereof.

Mr. J. WILSON said, he would not dispute with his hon. Friend the importance of the subject to which he had called the attention of the Committee. He did not, however, propose to follow him through the various arguments and facts which had been used to prove the injustice of the present law, but should very shortly ask the Committee to reject the Amendment on an entirely different ground. As he had said, he did not dispute the importance, and he did not dispute in any great degree the justice of the proposition, but he asked his hon. Friend to look at the practical effect of his Amendment. The Committee was asked to increase the income tax for the purposes of the war, and the hon. Gentleman said, "Before you do that, stop and decide all these knotty questions about probate duty or real property and succession duty on the property of corporations." If the hon. Gentleman could undertake to suspend the war, while the House of Commons made a just arrangement of those things, the proposal would be perfectly reasonable; but as the war could not be suspended and money must be had, and the House of Commons seemed disposed to supply money in this particular way, he imagined the hon. Member's Amendment was out of place. But in order to show that the proposal to attach probate duty to real property required some consideration, without going into any lengthened argument, he would remind his hon. Friend of what he must be well aware, that probate was a stamp duty, and that real property was subject to stamps, to which personal property was not subject. There were many modes in which real property was dealt with, where stamps were required, and modes analogous, in which personal property was dealt with, where stamps were not required; and if they made a balance between the amount of stamps used for the purpose of transferring real property and the amount of probate paid by personal property, it would, he thought, be very much against the former. He thought, for the reasons he had stated, they ought not to entertain the proposal at this particular time. With regard to the latter part of the Amendment—the extension of the succession duty to corporate property, he had the satisfaction to be able to announce that a Bill was actually in preparation for that purpose; and had it not been for the unforeseen difficulties in dealing with properties of that kind, it would now have been before the House, though he did not despair that it would be passed in the present Session. At the same time he did not pledge the Government to that. The Bill, however, was in preparation. The Government had fully carried out their promise, and he hoped, after those observations, the hon. Gentleman would not press his Motion, but allow the Committee to agree at once to the Resolution.

Sir JOSHUA WALMSLEY said, he was satisfied his hon. Friend the Member for Lambeth (Mr. W. Williams) had made out a strong case for the consideration of the Government, and he was very pleased to find, from the observations of the hon. Secretary to the Treasury, that they concurred in the injustice and inequality of the tax. He trusted the Government would before long bring forward a measure to place real property precisely on the same footing as personal property, and he said that because, having all his property in land, he wished to bear a fair proportion of taxation with his fellow-countrymen. He recommended his hon. Friend to withdraw his Amendment on the present occasion, and he was persuaded when he again brought it forward it would receive the hearty and earnest support of every Liberal Member.

Captain SCOBELL said, he thought the time had been very happily chosen for bringing forward this subject. They were now at war, and having to submit to increased taxation, the opportunity should be taken to impose taxes which would equalise and render just existing burdens. Nothing would more damp the natural desire to prosecute the war with vigour than for the people to think that large sums were taken from one portion of the community, whilst another portion escaped a similar impost. The Secretary of the Treasury had to a certain extent admitted the justice of the former part of the Amendment, and candidly avowed that a Bill was in preparation with respect to the latter. He was glad to hear it, for he thought nothing was more fair than that ecclesiastical corporations should pay on their property like every one else. They were the only portion of the community, with the exception of the Quakers, who did not go forth to fight. They sat at home enjoying their property, exempt from personal risk and danger, and they were the last persons who ought to object to contribute their quota to a just and necessary war. He was glad the hon. Member had persisted in the Motion, because, much as he admired the noble Lord (Lord John Russell), and anxious as he was, when consistent with his duty, to follow him, he saw that measure after measure was thrown after the Reform Bill into chaos, and they did not know where to find them.

Mr. WILKINSON said, he thought that, after what had fallen from the Secretary to the Treasury, it would be better to withdraw the Amendment.

Mr. HADFIELD said, he looked upon the injustice of the tax to be so great as to call for an immediate remedy.

Mr. HENLEY said, he re-echoed the sentiment of hon. gentlemen opposite that all classes should be equally taxed. If an account were gone into of the taxes to which real and personal property were subjected, he thought that, the land tax, stamp duties, and tithes being taken into consideration, real property would not come badly out of the comparison.

Mr. W. WILLIAMS said, he would not press the Amendment to a division, feeling convinced from the conduct of the Chancellor of the Exchequer that his sense of duty would induce him to take up the question.

Mr. CROSSLEY said, he must express his surprise that those who had assented to the war should have offered opposition to the means proposed for raising the funds by which alone that war could be carried on. He considered the objections offered to the increase of the malt tax to be altogether untenable, and dissented from the opinions which had been expressed by the hon. Member for North Warwickshire (Mr. Spooner) that money should have been raised by a loan. He would refer to the enormous additions which had been made to the national debt for the purpose of carrying on the last war, and to the fact brought forward by the Chancellor of the Exchequer, in his recent financial statement, that for nearly one-third of the whole amount of that debt the country had received no value. Instead of resorting to fresh loans, he would recommend them, when money could again be had at 2 per cent, to create terminable annuities, and in that way to get rid of a portion of their permanent debt every year.

Question, "That the words proposed to be left out stand part of the proposed Resolution," put, and *agreed to.*

Resolved—

4. That, towards raising the Supply granted to Her Majesty, there shall be charged and raised yearly, from and after the 5th day of April, 1854, in lieu of the Rates and Duties chargeable under the Act 16 & 17 Vic., c. 34, and of Rates and Duties granted in the present Session of Parliament, for and in respect of all property, profits, and gains, chargeable under the said Act, the Duty of one shilling and two pence for every twenty shillings of the annual value or amount of all such property, profits, and gains, respectively.

WAYS AND MEANS—SUPPLY.

Resolved—

"That, towards making good the Supply granted to Her Majesty, the sum of 8,000,000*l.* be granted out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland."

House resumed; Resolutions to be reported on *Monday* next.

THE STAMP ACTS.

On the Motion that the House resolve itself into a Committee on the Stamp Acts,

Mr. VANCE said, he wished to inquire whether the Resolutions to be moved were to be understood as passed simply *pro formâ*, and to be subject to a debate upon the whole question?

Mr. J. WILSON said, there could be no doubt that any Resolution passed in Committee preliminary to the introduction of a Bill would be quite open to discussion, both in principle and in detail. This was merely a preliminary Resolution, and the principle might be discussed upon the second reading of the Bill.

Mr. MITCHELL said, this was no part of the Chancellor of the Exchequer's plan for raising funds for the war. It was a substantial alteration of the law, upon certainly different grounds; and as the right hon. Gentleman had agreed to receive a deputation of the merchants of London on the subject, he could see no reason why the Resolutions should be now pressed.

Lord JOHN RUSSELL said, it was necesssary to take the Resolution now, because the progress of public business would be considerably delayed by its postponement. It was, as had been stated, merely preliminary to the introduction of the Bill; and the hon. Gentleman was aware that there were many other stages at which a discussion might be raised. In the meantime, he was quite sure that the Chancellor of the Exchequer would be ready to attend to any representation which might be made to him upon the subject.

Resolution read—

"That from and after the 10th day of August 1854, in lieu of the Stamp Duties now payable on the Bills of Exchange, Drafts or Orders, and Promissory Notes, for the payment of money hereinafter mentioned, or any of them, there shall be granted and paid upon the several Bills, Drafts, or Orders and Promissory Notes hereinafter respectively described, the following Stamp Duties; (that is to say),

Inland Bill of Exchange, Draft or Order for the payment to the bearer or to order at any time otherwise than on demand, of any sum of money,

	£	£	s.	d.
Not exceeding	25	0	0	3
Exceeding £25 & not exceeding	50	0	0	6
„ 50 „	75	0	0	9
„ 75 „	100	0	1	0
„ 100 „	200	0	2	0
„ 200 „	300	0	3	0
„ 300 „	400	0	4	0
„ 400 „	500	0	5	0
„ 500 „	750	0	7	6

Motion made, and Question proposed—

	£	£	s.	d.
Exceding £750 & not exceeding	1,000	0	10	0

House in Committee.

Mr. VANCE said, he must complain that the duty upon a bill of exchange for an amount between 750*l.* and 1,000*l.* should be fixed at 10*s.*, whereas under the present law it was only 8*s.* 6*d.* Nothing could be more unfair than to place the wholesale trader, who had large transactions, at a disadvantage as compared with the retail trader, whose transactions were more limited, but whose profits were larger in proportion to the business done. Proceeding higher in the scale, he found that a still greater inequality was created; for upon a bill for 1,500*l.* the duty was to be 15*s.* And upon a bill for 2,000*l.*, 20*s.* Whereas in either case at present it was only 12*s.* 6*d.* On all the larger amounts, the duty became proportionally higher; and as he considered this an injustice to the large trader, he should move that the duty upon bills between 750*l.* and 1,000*l.* remain at 8*s.* 6*d.*, as at present.

Amendment proposed, to leave out "10*s.*" and insert "8*s.* 6*d.*" instead thereof.

Mr. J. WILSON said, it was no doubt impossible to introduce an *ad valorem* duty with respect to stamps, without imposing a higher charge upon the large amounts. When his right hon. Friend the President of the Board of Control (Sir C. Wood) had reconsidered the whole subject of the stamp duties, some years since, he had gone upon this principle; and the result had been, that while great reductions had been made upon the smaller stamps, there had been corresponding additions to the larger ones. This was the very object which the Government had in view in proposing the present measure, for it was felt that the stamp duty upon bills of exchange of small amount was unduly high, and pressed so heavily as to amount in many cases to a prohibition. What they wanted was that every transaction should pay a stamp duty as nearly as possible proportioned to the amount of the transaction itself. It was true, as the hon. Gentleman had said, that the stamp upon a bill for an amount between 750*l.* and 1,000*l.* was proposed to be fixed at 10*s.*, whereas it was now 8*s.* 6*d*,; but the duty of 8*s.* 6*d* was upon a bill of two months' date, and if the date were three months it was raised to 12*s.* 6*d.*; whereas the Government being anxious not only to introduce an *ad valorem* duty, but to make the system as simple as possible—proposed to do away with all distinction as to date, and to charge the duty of 10*s.* upon all bills of this amount without reference to the time they might have to run. But he wished to call the attention of the Committee to the important relief which this measure would give, in reference to bills of small amount. It was proposed that a bill of exchange for every sum not exceeding 25*l.* should pay a duty of 3*d.* only, whereas the present duty on a 25*l.* bill was 2*s.* if it were drawn for any period not exceeding two months, and 2*s.* 6*d.* if for any longer date. For a transaction under 50*l.* they proposed to charge a duty of 6*d.*, instead of 2*s.* 6*d.*, and 3*s.* 6*d.* as at present. If they looked at every step of the scale, they would find that the principle of an *ad valorem* duty was exactly carried out. It was a duty of 1*s.* on a bill for 100*l.*, and of 1*s.* per 100*l.* afterwards. The whole intention of the measure was to charge large transactions something more than hitherto; and to relieve small transactions from the very undue amount to which they had hitherto been exposed.

Mr. SPOONER said, he would beg to ask whether the hon. Gentleman was of opinion that the alteration would lead to an increase or a diminution of the revenue?

Mr. J. WILSON said, the object had been not to increase the revenue, but it was desirable not to lose. The most careful calculations had been made by the officers of inland revenue, and the result of these calculations was, that the whole amount of the present revenue would be obtained, with the aid of the duties to be charged on foreign bills. As far as he could judge, the effect of the whole measure, in a financial point of view, would be as nearly as possible a balance.

Mr. CROSSLEY said, he should defend the measure as an improvement, and as being, in fact, one of the best features of the budget. The present stamp duties upon bills of small amount pressed very heavily upon the small tradesman, and particularly on the beginner in business, to whom it ought to be their object to afford every possible facility.

Mr. MITCHELL said, he must deny that the same *pro rata* profit was realised upon small transactions as upon large ones, and was not, therefore, prepared to say that a strictly *ad valorem* scale of duties would be a perfectly just arrangement. He admitted that some alteration ought to be made, but thought the Government would have done better if they had deferred dealing with the subject until they were in a position to make some sacrifice of revenue. His special objection, however, was to that part of the scheme which proposed to impose a stamp duty upon foreign bills of exchange.

Mr. W. WILLIAMS said, he had always complained of the disproportions between the duties upon small and those on large amounts, and was surprised that any objection should be made to an attempt to get rid of it.

Mr. W. BROWN said, he objected to the stamp upon foreign bills; instead of imposing fresh burdens upon foreign bills, they might endeavour to lighten those to which it was now subject.

Mr. SPOONER said, he would beg to point out to the hon. Member that the stamp on foreign bills was not the question now before the Committee.

Mr. MASTERMAN said, he apprehended that the scheme must be discussed as a whole; that anticipated revenues from the stamps on foreign bills was relied upon to supply the deficiency which the modification of the duties upon inland bills would occasion; and that that modification, therefore, would not be carried out unless the other portion of the plan received the sanction of the Committee. The two questions, therefore, could not very well be separated, and those who objected, as he did, to the imposition of stamps on foreign bills were perfectly justified in stating their objections now.

Mr. SPOONER said, he was quite ready to discuss the question as to foreign bills at once, if he were really to understand that the other portion of the measure depended upon that being assented to by the Committee. He would therefore ask the hon. Gentleman the Secretary of the Treasury what was to be done in the event of a bill being drawn by a person resident abroad upon his debtor resident in this country? What was the debtor to do? Was he to send the bill to the Stamp Office for the purpose of being stamped, or was he to refuse payment? This was the difficulty which he confessed had suggested itself to him, and upon which he should be glad if the hon. Gentleman would favour the Committee with an explanation.

Mr. J. WILSON said, he must beg to be allowed to postpone giving an answer to the question until the question of the stamp duties upon foreign bills should be regularly before the Committee. He must admit that the several facts of the measure were closely connected with each other, but he would remind the Committee that the low rates of duty had been passed without any opposition, and that it was not until they came to the higher rates that any objection was raised.

MR. SPOONER said, he wished to understand the matter clearly, that it might not be said hereafter that the Committee had precluded itself from discussing the question of the duties upon foreign bills by allowing the duties upon inland bills to pass. Did these inland duties stand upon their own merits, or did they form part of a whole scheme? If they formed part of a whole scheme, they must discuss the foreign duties now.

MR. J. WILSON said, no doubt they formed part of a whole scheme, but he must again remind the Committee that the lower rates of duty had already been accepted without any question being raised. Of course, when the foreign duties came to be considered, it would be open to any gentleman to oppose them, and if they were rejected, the Government might then determine how to deal with the other portions of the scheme.

Question, "That '8*s.* 6*d.*' stand part of the proposed Resolution," put and *negatived.*

"Exceeding 750*l.*, and not exceeding 1,000*l.*," 10*s.* put, and *agreed to.*

	£		£	£	s.	d.
Exceeding	1,000	& not exceeding	1,500	0	15	0
,,	1,500	,,	2,000	1	0	0
,,	2,000	,,	3,000	1	10	0
,,	3,000	,,	4,000	2	0	0
,,	4,000	& upwards		2	5	0

Foreign Bill of Exchange, drawn in, but payable out of, the United Kingdom,

If drawn singly, and not in sets of more than two, the same Duty as on an Inland Bill of the same amount and tenor.

If drawn in sets of three or more,

	£	£	s.	d.
For every Bill of each set, where the sum payable thereby shall not exceed	25	0	0	1
And where it shall exceed £25 and not exceed	50	0	0	2
And where it shall exceed £50 and not exceed	75	0	0	3
And where it shall exceed £75 and not exceed	100	0	0	4
And where it shall exceed £100 and not exceed	200	0	0	8
And where it shall exceed £200 and not exceed	300	0	1	0
And where it shall exceed £300 and not exceed	400	0	1	4
And where it shall exceed £400 and not exceed	500	0	1	8
And where it shall exceed £500 and not exceed	750	0	2	6
And where it shall exceed £750 and not exceed	1,000	0	3	4
And where it shall exceed £1,000 and not exceed	1,500	0	5	0
And where it shall exceed £1,500 and not exceed	2,000	0	6	8
And where it shall exceed £2,000 and not exceed	3,000	0	10	0
And where it shall exceed £3,000 and not exceed	4,000	0	13	4
And where it shall exceed £4,000 and upwards		0	15	0

Foreign Bill of Exchange drawn out of the United Kingdom, and payable within the United Kingdom, the same Duty as on an Inland Bill of the same amount and tenor.

MR. J. G. PHILLIMORE said, he wished to know how it was proposed to collect the revenue from foreign bills of exchange.

MR. J. WILSON said, the difficulty of collection had hitherto been the only reason why the duty was not imposed. Government had always been unwilling to impose upon merchants the trouble of coming to the Stamp Office to have their bills stamped. Great as the trouble was, however, it was done in France, Holland, Belgium, and in most of the continental countries of Europe. The invention of adhesive stamps gave facilities for the adoption of the system here which did not before exist; and it was now proposed to issue adhesive stamps at rates corresponding to those in the schedules for all foreign bills drawn in this country; so that the person who receives such bills would be the person on whom the duty would devolve of affixing the stamp.

MR. THOMSON HANKEY said, he wished to know at what stage of the circulation of the bill it would be necessary to affix the stamp? Was it to be affixed before the bill was presented for acceptance, or before the bill was paid?

MR. J. WILSON said, the original proposition was that no bill should be accepted till it was stamped, which would be carrying out the analogy with the inland bills. But it was found, if they rigidly insisted upon that rule, that they would expose merchants who were in the habit of receiving large batches of bills at once to great inconvenience, and prevent them from presenting the bills on the day they received them. It was, therefore, now proposed that the bill might be stamped at any time before it was endorsed or passed from the hand of the first person who received it.

MR. GLYN said, he would beg to ask whether it would be possible that bankers in the colonies, who were the great drawers of bills of exchange, might compound for the stamp duties on the same principle that bankers in England and

Scotland were allowed to compound for their stamps? He thought this would be a great boon to them, as it would obviate many inconveniences.

Mr. J. WILSON said, they had not considered the plan—it was quite a new idea. He could only say that they had every disposition to carry out compounding for stamps, as they were doing it in Ireland and in Scotland in a way which had never been done before. The only difficulty which at present occurred to him was, that they had no *data* from which to compute the probable amount of the bills drawn by these banks.

Mr. THOMSON HANKEY said, the plan of enforcing the stamps, as stated by the hon. Member for Westbury (Mr. Wilson) obviated one inconvenience, but he objected to the principle altogether. As he understood the plan, it would not be necessary to affix the stamp to the bill till the period of payment, if the person into whose hands it came retained it in his own possession until that time. [Mr. J. Wilson: "Hear!"] Then, in fact, this was only a new form of imposing a stamp receipt, which, having been lowered generally, was to be re-imposed on this particular class; and it would fall not upon the bankers, but upon the manufacturing interest of the country.

Mr. GLYN said, it had nothing whatever to do with stamp receipts; but it would have this effect, that before a foreign bill could be put into circulation it must be subject, in the same way as an inland bill, to the stamp duty.

In answer to Mr. W. Brown,

Mr. J. WILSON said, that if a person in this country received a bill from abroad, drawn upon himself, and which he did not require to present to others, he was afraid, unless that person was a man of honour, they would have no hold upon him for the receipt.

"Foreign Bill of Exchange, drawn out of the United Kingdom, and payable out of the United Kingdom, but indorsed or negotiated within the United Kingdom, the same Duty as on a Foreign Bill drawn within the United Kingdom, and payable out of the United Kingdom."

Mr. VANCE said, he thought there was no necessity for including bills endorsed as well as bills negotiated within the United Kingdom.

Mr. J. WILSON said, that what the hon. Gentleman objected to was the whole pith of the Resolution, because endorsement was the only evidence that could be obtained of negotiation. The Resolution was intended to apply to bills of exchange drawn upon the Continent, sent here as remittances for goods, negotiated here, and then sent back to the Continent for acceptances.

Mr. VANCE said, it would apply to a bill drawn abroad and payable abroad, and sent here merely for endorsement by the firm whose agent had drawn it.

Mr. J. WILSON said, such cases were extremely rare.

"Promissory Note, for the payment, in any other manner than to the Bearer on demand, of any sum of money, not exceeding," &c. [Same duties as on Inland Bills of Exchange.]

Resolution *agreed to.*

WAYS AND MEANS—BANKERS' CHEQUES.

Resolved—

"2. That it is expedient to amend the Laws relating to the Stamp Duties."

Mr. PHINN said, he rose, in the absence of his hon. Friend the Member for Pontefract (Mr. Oliveira), to propose the Resolution of which that hon. Member had given notice—that upon every cheque drawn upon a banker there should be imposed a duty of one penny. He knew it was not a very popular thing to propose a new tax to that House, but, after the resolution which the House came to the other night on the subject of the newspaper stamps, it was, perhaps, desirable that some substitute for that impost should, as speedily as possible, be found. He had spoken to the Chancellor of the Exchequer upon the subject, and he deemed it a proper question to submit to the House, but, in the absence of the right hon. Gentleman, he (Mr. Phinn) would not press it at the present moment. Perhaps the Committee was not aware of the present state of the law with respect to the duty on cheques. As the Stamp Act now stood, all cheques on bankers would be subject to duty, were it not for an exemption made in favour of all cheques drawn within fifteen miles of the bank on which they are drawn. So that, if any one lived above fifteen miles from his bankers, he was liable to a penalty for every cheque that he drew without a stamp. Now, he would appeal to hon. Gentlemen in the House, if they were not in the constant habit of violating this law? ["No, no."] Hon. Gentlemen said "No, no," but he would appeal to his own experience. If they were in the country, and wanted to draw a cheque upon their banker, he asked them if they were not in the constant habit of dating their cheques from London, and thereby violating the law? He thought that an anomaly so bad as this exemption ought to be done away with; but there was another reason why a cheque payable to bearer on demand ought to be subject to a tax. Persons who were in the habit of banking were now also in the habit of crossing their cheques, and getting their tradesmen, or the persons to whom they paid debts, to write their names on the back of the cheques, and, by thus using them as receipts, evading the stamp Act. In effect they made their bankers the custodians of their receipts. He thought his proposition would be rather a tempting bait to the Government. Some nights ago the House had agreed to a Resolution to the effect that the duty on newspapers required revision, and the Government then said that in a financial point of view that duty was a trumpery one, not realising more, he believed, than about 250,000*l.*, which was collected with great trouble and expense. Some sanguine calculators had reckoned that the duty which he proposed to impose on cheques would realise as much as 500,000*l.*, but those who had calculated the most closely were of opinion that it would produce at least 200,000*l.* or 250,000*l.* The tax would fall on those who were in the habit of dealing with bankers, it would prevent the evasion of the Stamp Act, and it would be easily collected; and he therefore hoped the Government would take the subject into their consideration.

Motion made, and Question proposed—

"That all cheques upon Bankers in future be liable to the Penny Stamp."

MR. GLYN said, he thought the hon. and learned Gentleman laboured under considerable misapprehension with regard to existing practices. Since the Bill passed last year for affixing the penny stamp to all receipts, the practice regarding cheques drawn at more than fifteen miles from London, and with regard to receipts, had entirely altered, and there was now no evasion of the law whatever. Though he himself would greatly benefit by the measure proposed, as it would reduce the labour in banking-houses to a great extent, yet he wished to call the attention of the Committee to the fact that it would impose a very heavy burden upon trade. He did not think that the hon. and learned Member had any idea of the vast number of cheques that passed through the City daily. He knew one banking-house that paid in one day no fewer than 20,000 checks. He did not mean to say that this was an ordinary transaction; but the Committee would see what a tax they would impose upon tradesmen; and when they considered that the same tax was to be imposed upon banks in the country as in the town, he thought they would pause before they adopted it.

SIR JOHN TROLLOPE said, he would suggest that in some of the public departments the introduction of a stamp upon checks would operate inconveniently. In the poor law department, for instance, every sum paid by Boards of Guardians was paid by check; and the greater part of the cheques were for very small sums. The moneys so paid were raised by taxation; and he put it to the Committee whether it would be right that cheques of such small amount should be burdened with a penny stamp. It was obvious that in such cases the effect would be to increase the taxes of the people, for after all the charge would fall upon the public.

MR. WILKINSON said, he hoped the idea of stamping cheques would not be entertained by the Committee. No plan ever yet devised so economised the circulation as the system of drawing cheques, and he cautioned the Committee against doing anything to restrict a practice so useful and convenient. In the money market vast amounts changed hands every day, without the intervention of a single bank note, by means of cheques; and it was quite impossible but that the introduction of the stamp would injuriously affect this custom. It would entirely stop payment by means of small cheques.

MR. BRIGHT said, the hon. and learned Member for Bath (Mr. Phinn) did not propose that the Committee should now decide upon the question; he only desired to elicit discussion in order that the Chancellor of the Exchequer and the House might hear and consider whatever suggestions might be offered. It was quite true, as the hon. Member for Kendal (Mr. Glyn) had said, that on the daily payments and receipts of a banking-house by means of cheques the amount of the stamps would be very considerable. But if this was a valid objection against stamps on cheques, it was a valid objection against stamps on receipts. Now, he (Mr. Bright) could scarcely conceive a tax of any kind that would be more widely or more equally diffused than that now suggested; but if his hon. and learned Friend proposed it as an additional tax simply, he should say he was undertaking a duty which ought not to devolve upon him, and the proposition ought to be opposed. But his hon. and learned Friend was not doing that, for he coupled the proposition with the suggestion thrown out in the debate on Tuesday, that it would be an admirable substitute for the newspaper stamp. The Resolution then moved was accepted unanimously both by the House and the Government. It was the opinion of the House of Commons that the newspaper stamp was a doomed tax. The hon. and learned Gentleman the Attorney General was sensible that the law, in its present state, could not be executed; and there was no person connected with the Board of Inland Revenue who would not admit that the newspaper tax could not be collected fairly, according to the existing law. It was, therefore, the feeling of the House, and of the public authorities, that it must be given up. Then arose the question, what should be substituted for it? The stamp on cheques it was thought might be advantageously adopted. It was quite clear that the public would gain enormously by the abolition of the newspaper stamp; and it was also clear that there would be some inconvenience in paying a certain number of pennies by the imposition of the proposed stamp. It was, therefore, a question between the two. So far as he had considered the question, he believed it to be well worthy of consideration, with a view to the adoption of this substitute. He was in the habit of drawing cheques; and regarding his own interest, and the interest of his partners in the manufacturing concerns with which he was connected, he should be extremely glad, so far as he could now see its effect, to exchange one tax for the other. He was satisfied that, in the long run, considering the advantages connected with the abolition of the newspaper stamp, that the change now proposed would be advantageous both to the commercial world and the public. This was his present opinion, but he was quite open to consider everything that could be urged on the other side. The proposition was one which, at any rate, was well worth consideration; and he hoped the Committee would not decide against it without first going into a full examination of its merits.

Mr. V. SCULLY said, he had no doubt that the authority of the hon. Member for Kendal (Mr. Glyn) was very high, but this was a matter of mere common sense. He had not heard one single good objection to the tax, but he could see a great many advantages. The stamped cheque would acquire a new character in the country; it would become a receipt. He did not believe that the law was so extensively broken as the hon. and learned Member for Bath (Mr. Phinn) seemed to think. That hon. and learned Member thought that the stamp would have the effect of putting an end to drawing of cheques for very small amounts. He (Mr. Scully) should be glad to see that effect brought about and the nuisance of small cheques got rid of. He considered the tax would be beneficial in every way, and that it would be advantageous not only to the public, but to bankers themselves.

Mr. W. BROWN said, he regarded bankers' cheques as a most valuable agent in carrying on trade; and therefore he looked upon this proposition with considerable apprehension. He feared it would have a tendency to break up the existing practice, and that we might be reduced to the plan resorted to by tradesmen in France, of taking five franc pieces round in a wheelbarrow to pay their creditors. Cheques were a labour-saving instrument in the business of commerce; and to require them to be stamped would greatly fetter if not destroy their use.

Mr. MASTERMAN said, he totally disapproved of the proposition, not from any fear of the trouble or inconvenience it might cause to himself in his business as a banker, but because such a practice would be attended with great inconvenience to the public who kept banking accounts. The hon. and learned Member for Bath did not appear to him to have an adequate conception of the practical working of the system of payment by cheques in the City of London. Nothing else was used for the settlements of the Stock Exchange. Great inconvenience and risk would be thrown on every mercantile interest in the City, if, by any plan of this kind, people were driven to keep bank notes for their payments, instead of drawing cheques. Under these circumstances, he hoped the proposition would not be entertained.

Mr. GEACH said, if there were one thing which, more than another, promoted the convenience of commerce in this country, it was the habit of keeping bankers' accounts; the habit of using the bank, not only for the custody of money, but as a safeguard against fraud. He did not believe, with the hon. Member for South Lancashire (Mr. W. Brown), that we were likely to adopt the system he had described in France, of keeping our own money and taking it round to our creditors in wheelbarrows, but he was certain that if a penny stamp had existed upon bankers' cheques in former times, the country would never have had its present amount of commercial convenience. The question was not one of payment or revenue; but whether upon the aggregate transactions of the country the evil inflicted by the proposal would not be greater than the benefit derived from it.

MR. BROTHERTON said, that the arguments urged against the proposition might, to a considerable extent, be applied to bills of exchange. The tax would not be a very heavy one. He perceived that all the bankers in the House who had hitherto spoken were against the plan; but he begged to say that he had had a conversation with a large London banker, who was decidedly in favour of the measure. It would certainly be an excellent substitute for the newspaper stamp. It must be admitted that great ameliorations had been made by the Chancellor of the Exchequer in respect to the scale of duties upon bills of exchange; and he believed that the trade of the country would be disposed to accept the penny stamp on cheques in consideration of that relief.

MR. COBDEN said, this was one of those cases on which a great deal might be said on both sides. It was merely a suggestion from an independent Member to the Government, it not being the province of private Members to propose taxes; but it appeared to him that, although a great deal had been said in its favour, much more might be said still. He was rather alarmed, he confessed, when he heard Gentlemen connected with banking and mercantile interests declare that certain and inevitable destruction would follow if the House laid a penny stamp upon cheques—that the consequence, according to his hon. Friend the Member for South Lancashire (Mr. W. Brown) would be that we should go to the system of France, where, in consequence of the great depreciation of paper money, tradesmen carried five-franc pieces round in wheelbarrows to pay their creditors. He had seen so many direful prognostications of this sort not verified, that he regarded all such arguments with perfect composure. Some hon. Gentlemen had talked of the difficulty of working this system. Now he considered that there was no difficulty at all in it. The system was already in operation. Bankers already issued two kinds of cheques—one for the country, which were stamped, and the other for the town, which were not stamped. All that was now suggested was, that both should be stamped. They might have their names embossed upon them, which would be an additional guarantee against forgery. Something had been said about the weight of the tax upon small sums. What would be its amount upon a cheque drawn by a stockbroker to the parties who paid it? What was the ordinary amount of such cheques? He was not much acquainted with Stock Exchange business, but he imagined that stockbrokers did not generally draw cheques for less than 20*l*. [Mr. MASTERMAN: For less every day.] Then the transactions in Consols were smaller than he had thought them to be. He supposed, however, that not many cheques were drawn in respect to Stock Exchange business for less than 10*l*. [Mr. MASTERMAN: Yes, much lower.] Then the transactions were still smaller than he supposed; but take these cheques at 10*l*. each. One penny was the 1-2400th part of 10*l*. It was absurd to say that such a tax was a heavy burden. The right hon. Baronet (Sir J. Trollope) had made a difficulty with regard to the case of the payment of small cheques in the ordinary working of the poor law. Such cases might be met by exceptions. The penny receipt stamp did not extend to sums below forty shillings, and some analogy of that sort might be established. On the whole, looking at this stamp as a substitute for an injurious tax, that it would be no obstruction to business, while it promoted the diffusion of knowledge and advanced the revenue, it was clear that a great deal might be said in its favour. Let them inquire into the subject. Let them go down into Lombard-street, and ascertain the number and amount of the cheques presented there in any given day. He would undertake to do so himself as far as he could. By this means much practical information would be obtained; and he thought it would most probably be found that, like the case of the penny receipt stamp, when once put into application it would work with greater satisfaction than any other tax that could be proposed, and certainly with less injury to the community.

MR. GOULBURN said this was not a novel proposition. He could answer for it that it had been propounded to every Gentleman who had filled the office of Chancellor of the Exchequer for many antecedent years, and that it had, after due consideration of its consequences, and of the pressure it would create upon particular parties in the country, been by them condemned. This fact, he admitted, was no argument why, in an advanced state of knowledge, it should not now be adopted. But when the hon. Member for the West Riding argued the question as if it had only reference to the largest transactions upon the Stock Exchange, and to large concerns such as those with which the hon. Member for Manchester (Mr. Bright) was connected, he was mistaken. There were other persons in the country, also in business, upon whom the tax would operate with considerable severity, not in respect to its amount, but from the impediments which the stamping of cheques would produce. This class of persons were the minor tradesmen of the country—those classes who were in the habit of paying their money away by small cheques upon a neighbouring banker. On these classes a penny stamp would operate most injuriously. As to the stamp on bills of exchange, he did not consider the case analogous to the present proposal.

Mr. WILSON said, he had listened with great attention to all the arguments just urged for and against this proposal; and it was now his duty to inform the Committee that his right hon. Friend the Chancellor of the Exchequer had given the greatest possible consideration to the subject during the last six months. The decision at which his right hon. Friend had arrived, he had arrived at from reasons and considerations altogether different from any stated in the course of the present debate, and his conclusion was, that it would be highly impolitic and injurious to impose the proposed tax. He was not going to place much stress upon the argument of the danger and injury it might produce in the case of large traders. There was no doubt at all, as the hon. Member for Kendall (Mr. Glynn) had stated, that it would entirely alter the greater number of transactions in the City of London, and especially those connected with the Stock Exchange, in respect to which a large amount of payments were made every day. He repeated that it would alter the ordinary course of transactions, and that, though with some inconvenience, the tax might be evaded. But the real considerations which had weighed with the Government in arriving at their conclusion that it would be impolitic to propose this tax, were those which he would now state, and he believed they would deserve the serious attention of the Committee. The Committee would have observed that during the last twenty years there had been no greater development in any branch of commerce than in the banking interests of the country. If hon. Members would consider the state of the country with regard to banking accommodation in small towns before the establishment of the joint-stock bank system, they would remember that there was then a state of things extremely inconvenient, compared with the present system, and a system the reverse of comfortable to all concerned. Joint-stock banks were established in Scotland many years before they were introduced into England. In every village branches were established, and the mystery always was — the secret which English bankers could never understand—how it was that the Scotch banks could afford to open branches in such small villages and towns in a comparatively poor country. In one small village, with not 1,000 inhabitants, there were three branch banks. How were they maintained? Why, upon a close investigation before a Committee of that House, it became evident, at last, that the secret was really the economy of capital which was accomplished in consequence of these banks holding out to the small capitalists of the locality the temptation of interest from day to day upon their customers. It came out that, in consequence of this system, the deposits in the Scotch banks — he was speaking of fifteen years ago — were upwards of 33,000,000*l.* sterling, all bearing interest, while the currency of the country in notes, which was economised by the use of cheques and the keeping of banking accounts was, in fact, barely 3,000,000*l.* The Government had watched with the greatest interest the development of the same principles in England. They have seen joint-stock banks established in the large towns of England, with branches in small towns; they had seen small tradesmen who, twenty years ago, never thought of keeping a banking account, invariably send all their spare money to the bank, and pay their bills by cheques. The result had been most satisfactory. Instead of keeping considerable sums of money in their possession, these tradesmen sent it to the bank, and the effect had been to increase the aggregate amount of capital at the disposal of the bank for ordinary commercial purposes. Now, if a stamp were imposed upon cheques drawn upon bankers, the inevitable consequence would be that small shopkeepers, farmers, and large traders, instead of drawing a single cheque for each transaction as they did now, would draw one for a sufficient amount to carry them through the week. The consequence would be a return to the state of things as it existed some years ago, when large amounts of capital lay idle in individual hands, the aggregate of which, if placed in bankers' hands, would have been of the greatest use to the community. Taking, then, the widest view of the case, and after the fullest consideration, the Government could not give their assent to the proposition. It was said, however, that it would yield a very large amount of revenue. From inquiries which the Government had made, they could not at the utmost expect it to produce more than 100,000*l.* a year. Under all the circumstances, if his right hon. Friend the Chancellor of the Exchequer were present, he would state, he knew, in strong terms, his objection to the imposition of such a tax. He (Mr. Wilson) entertained the same opinion upon similar grounds. He believed it would be the means of wasting capital by its dispersion in small portions.

Mr. PHINN said, that after the explanation of the hon. Gentleman he would withdraw the Resolution; but he could not do so without stating that he considered the estimated produce of the proposed stamp—100,000*l.*—as very much below the real amount. This stamp was an instrument by which the great and wealthy might contribute a large annual sum to the revenue without perceiving it, and he considered that it might also be accomplished without the slightest injury to trade. The question had made great advances in public estimation, and he believed it would continue to make way until its adoption.

Mr. THOMSON HANKEY said, if this tax was imposed, and he believed it would be imposed by some Chancellor of the Exchequer before very long, though it might be opposed by the Chancellor of the Exchequer now, he was of opinion that it would be attended with most advantageous results to the public. He believed that, though it was now opposed by Gentlemen connected with many London banking-houses, whose views were supported by the Chancellor of the Exchequer, it would be an advantageous mode of collecting public revenue, and that it would not be found to interpose any impediment to the general spread and increase of banking in this country.

Motion, by leave, *withdrawn;* the House resumed, Resolutions to be reported on *Monday.*

CHIMNEY SWEEPERS BILL.

Order for Second Reading read.

Mr. J. G. PHILLIMORE, in moving the second reading of this Bill, said, the object of it was to rescue a helpless portion of the community from a state of misery and degradation to which they were still subjected notwithstanding the passing of a former measure on the same subject. The Act to which he alluded had been practically evaded in this way. It prohibited the sending up flues children of a certain age, but in order to prevent evidence being given on this point, the master was frequently in the habit of locking the door, so as to render conviction impossible. In London the Act had been almost entirely effective, and the system of cleansing chimneys by machinery was nearly universally adopted, and in Huddersfield and Whitby a climbing boy was almost unknown. Nothing but the gross ignorance and idleness of the master sweeps, and their want of inclination or ability to provide machines, had prevented the Act from being equally effective throughout the kingdom. To show that the evil was no imaginary one, he would refer to a few cases which had been given in evidence. One witness was asked how many deaths had occurred in Manchester in consequence of the continuance of the practice of which he complained within two years. The reply was, several. One boy, who was put into a flue when it was hot, was almost dead when he was got out, and died very soon afterwards. Another boy, ten years of age, was so badly burned that he was rendered a cripple for life. Another boy came tumbling down and died from the effects of the burning. In another case, a boy who was driven up a flue by his master did not come out again alive. There were two cases in which children had been literally roasted to death. The boys in these cases were not more than five or six years old. In June, 1851, a boy named George Wilson, ten years of age, who had swept nine chimneys, was suffocated in the tenth, up which he had been forced by his master; and a witness said that the place was so hot that he could not have kept his hand on it for five minutes. But, besides this ground of complaint, there was another circumstance which ought not to be overlooked. These children were regularly sold. It was proved that one boy, who was terribly burnt, had been sold for a guinea, and another child, eight years of age, who had been sold five times over, was taken before a magistrate at Hull, who exclaimed very justly, "They may talk of slavery, but there is no slavery worse than this." Now, there was no difficulty in preventing these evils, and he believed the Bill now before the House would provide an effectual remedy. By the former Act, in order to insure a conviction, it was necessary to show that a boy had been seen going into a flue or coming out of it, but such evidence could not be obtained in consequence of the master locking the boy up in the room. Now, the first clause in the Bill provided that every master sweep who allowed any person under sixteen years of age to engage or assist in this trade should be liable to be punished; and the second clause provided that the onus of proving the age should rest on the person accused. Besides the deaths which had been occasioned by forcing children up flues, according to the evidence of Mr. Guthrie and other eminent men, persons thus employed were subjected to a cancerous disease which made their lives loathsome. He, therefore, called upon the House to prevent these helpless children from becoming the helots and pariahs of society. It was the duty of the Legislature to reduce the amount of suffering to the smallest possible extent, and he trusted it would no longer suffer these unfortunate children to be exposed to degradation.

Mr. H. G. LIDDELL, in seconding the Motion, said, that the trade in these children was nothing but a petty species of slave trade, and that he would support the Motion for the second reading on the ground of humanity, and for the sake of rescuing those children from a state which demoralised them.

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. FITZROY said, if he believed that the proposition of his hon. and learned Friend would effect the object he had in view he should not have objected to it, but in his opinion it would utterly fail to do so. If the House looked to the provisions of the 3 & 4 *Vict.* cap. 85, he thought it would be convinced that further legislation in the path laid down in that Act would not meet the evil complained of. By the 2nd and 3rd section of that Act it was provided that no person could be employed, or allowed to ascend or descend a chimney, or enter a flue, under a penalty of not more than 10*l.*, nor less than 5*l.*, and that it should not be lawful to apprentice any person to the trade under the age of sixteen years. His hon. and learned Friend proposed that any person assisting in the trade should be liable to a penalty, and the consequence would be, if the Bill became law, that a man walking in the street with a boy fifteen years old, carrying a soot-bag, would be liable to a penalty of 10*l.* Then, again, his hon. and learned Friend was about to introduce an anomaly into the law, by calling upon the person accused to prove a negative. That was a new feature in the law, and he did not believe the House would sanction such a principle. On these objections he took his stand, and trusted the House would not sanction the second reading of the Bill, unless his hon. and learned Friend could show that his propositions would meet the evil of which he complained. The straightforward way to meet the evil would be to enact that every chimney should be of a peculiar construction. He believed that the measure now before the House would, if carried into effect, introduce an odious system of informations, and lay the foundation for an immense amount of litigation, without remedying the evil complained of, he should, therefore, move as an Amendment that the Bill be read a second time that day six months.

Mr. CRAUFURD seconded the Amendment. He considered that the hon. and learned Member who had moved the second reading of the Bill had shown no grounds for legislation, much less for legislation of such an exceptional and objectionable character as the present Bill. He contended that the present law on this subject went much further than did the proposed Bill in providing a remedy for the evils complained of, while the second clause of this Bill violated a great principle of the English law by throwing the *onus probandi* on the party charged with the offence.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. KINNAIRD said, the hon. Gentleman the Under Secretary of State for the Home Department had not denied the existence of evils of the most serious character, which this Bill was designed to remove. He regretted extremely the course taken by the Government, and should give his vote most cordially for the second reading.

Mr. EWART said, he thought that the Bill had failed to find the real remedy for the cases of fearful cruelty which had been cited. The hon. and learned Member (Mr. Phillimore) had stated that the difficulty of proving these cases resulted from the master sweep closing the doors of the rooms in which the boys were engaged. Why could they not, then, as in the Gaming-houses Bill, enact that the doors should be left open? He should support the second reading of the Bill, but he trusted that in Committee a more practical remedy than the Bill at present contained would be provided.

Mr. WALPOLE said, he thought no good reason had been shown for bringing in a Bill which would be extremely detrimental in its effect, and he believed would not meet the evil. By the law as it stood, no young person under the age of twenty-one, was allowed to climb any chimney. There was the same penalty applied to the offence now as that in the Bill before them, and the only reasons for extending the provisions of the present law must be that they were going to give a better remedy. But it was expressly laid down by the third clause that the same remedies were to be pursued which were now available. The effect of another clause would be to prevent any person from assisting a chimney sweeper in any way, and it would be illegal for the man even to employ his son of fifteen years of age in driving his donkey. If, however, it were intended only to prevent cases of aggravated cruelty, in which boys were sent up crooked and unsafe flues, and brought down in a state of corporeal suffering, he maintained that the law was already sufficient for that purpose. He opposed the Bill because it would interfere with legitimate trade, so as to prevent even a lad of fifteen from being employed in a way that would not be detrimental to his health in any respects.

Sir THOMAS ACLAND said, the Upper House had had a Committee, and had taken evidence upon this subject, which evidence the House of Commons had not got. The House, therefore, was going to decide upon a case the evidence upon which they had not heard or read a single word of, except that portion which had been given by the hon. and learned Member (Mr. Phillimore). Would the House, under these circumstances, take the responsibility of saying that the subject should not receive further consideration, and reject a Bill which had been carefully drawn up in the other House, and which, however unsatisfactory the wording of a particular clause might be, ought, he thought, to be read a second time.

Mr. T. CHAMBERS said, the objection taken to the Bill was, not that a case of great cruelty had not been made out, but that, with the best possible intentions, this Bill utterly failed to provide a remedy for the evil which existed. It purported to facilitate the process of proof, and so to enable you to convict for offences committed under the former Statute; but, instead of doing this, the Bill created an entirely new class of offences, and turned those things into offences which the House certainly never wished to regard as such.

Lord JOHN RUSSELL said, he would have been quite content not to say a word upon this subject, if those hon. Gentlemen who disapproved the Bill would vote against it. There seemed, however, to be a disposition on the part of the House which he did not think was very favourable to good legislation. Because, it was argued, there were evils in the law with respect to chimney sweepers, therefore this Bill must be read a second time, whatever its provisions might be. He did not think this was a reasonable mode of proceeding. The hon. and learned Gentleman (Mr. Phillimore) had stated several very dreadful cases in which the law had been violated, and young children had been made to do that which had not only affected their health, but very often was fatal to their lives. Well, then, if there was to be a Bill upon this subject, let the House see, in the first place, that it would punish those who were guilty of these offences, and, in the next place, that it did not punish those who were innocent. With regard to the punishment of the guilty, he did not see that there was any mode described by this Bill by which the practices it was sought to repress might not still be carried on. He did not think that a boy merely walking by the side of a chimney sweeper would be sufficient proof of any offence; but suppose the chimney sweeper took the lad with him into a house for the purpose of getting him to ascend a chimney—as soon as they entered there was an end to the proof that the boy was improperly employed unless the doors were opened, and no conviction could be obtained. But, then, if another chimney sweeper did not employ a boy in climbing chimneys, but in riding his donkey or in carrying a sack, that man might be convicted of an offence. No mode, therefore, of convicting the guilty was supplied; but there was a mode by which the innocent might be convicted. He could not think that such a Bill was one which ought to be read a second time. But then it was said that, although the Bill did not contain a single provision which the House was likely to adopt, some provisions might be suggested, and clauses introduced in Committee. Now, he had not heard during this discussion any such clauses suggested. The hon. Member for Dumfries (Mr. Ewart) had, indeed, suggested that when the chimney sweepers entered a house the doors of that house might be ordered to be left open. But were they to have a general provision of this kind? Was every householder, at four or five o'clock in the morning, when his chimneys were being swept, to be made to leave the street door open for burglars or pickpockets to walk in? He could not think that the passing of this Bill would be at all efficacious in preventing the evil; and he was afraid, with this law, as with respect to many others, we should not have the means of putting it in operation until we had a public prosecutor. Until we had persons charged with seeing that the laws were enforced, he did not think that a Bill of this kind would have any effect.

Sir BENJAMIN HALL said, he should oppose the Bill, as likely to prove quite ineffective. He thought the law, as it stood, was sufficiently ample, and that it was not worth while wasting the time of the House in considering this measure.

Sir JOHN SHELLEY said, he did not doubt the importance of this subject, but he was opposed to the second reading on the ground that there were measures before the House in which the public took a deeper interest, and which this Bill had the effect of deferring.

Mr. KEATING said, he did not think the time of the House was misspent in considering a question of this description, when it was admitted on all sides of the House that the evils which the Bill sought to remedy really existed. According to the present state of the law, the age of sixteen was the earliest at which a boy could be apprenticed to the business of a chimney sweeper; but that enactment was evaded by chimney sweepers employing boys under sixteen, but who were not apprentices, in going up flues and chimneys, by which the evil the Bill had in view was produced, and not now denied. He thought it rather too much to say that the Bill should not be read a second time, and that the House was not to consider in Committee the best way of meeting the evil complained of.

Mr. J. G. PHILLIMORE, in reply, said he had never heard more frivolous arguments than had been urged against this Bill. He admitted the existing law was efficient, provided it could be thoroughly carried into effect; but experience had shown that that was next to impossible; and if some such Bill as the present was not passed into a law, the only hope of its promoters, as the noble Lord (Lord J. Russell) had said, was blank despair, and those miserable children would continue to be the victims of a heartless tyranny.

Lord JOHN RUSSELL: I did not say any such thing.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 39; Noes 112: Majority 73.

Words *added*:—Main Question, as amended, put, and *agreed to*.

Second Reading *put off* for six months.

PUBLIC STATUES BILL.

Order for Second Reading read.

Mr. WALPOLE said, the present Bill was a singular measure. It empowered the Chief Commissioner of the Board of Works to repair and maintain the public statues in different parts of London, and those statues were enumerated in a schedule annexed to the Bill. He found, however, that several of the public statues were omitted, which was very singular, inasmuch as those which had been omitted were statues of persons who had been Members of that House, and all of them distinguished ones. The statue of Lord George Bentinck, for example, had been omitted. But, what was more remarkable, those of two distinguished men, the Leaders in their time of the two great parties in that House, had also been excluded from the Bill—he meant the statue of Mr. Fox, in Russell-square, and that of Mr. Pitt, in Hanover-square. He wanted to know why those statues had been omitted?

Mr. LOWE said that the reason was, that these statues were private property. That of Lord George Bentinck, was the property of the Duke of Portland; that of

Mr. Fox, of the Duke of Bedford; and that of Mr. Pitt, of the Earl of Harewood.

Sir WILLIAM JOLLIFFE said, he wished to know whether it was true that this Bill had been suggested by the abstraction of one of the early kings of the House of Hanover?

Mr. LOWE said he believed it was the fact, that the Bill had been introduced on account of the disappearance of the statue of George I. from Leicester-square, and of the abstraction of the sword of the statue of Charles I. at Charing-cross.

Bill read 2°.

The House adjourned at Twelve o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, May 22, 1854.

Minutes.] Public Bills.—2ª Navy Pay, &c.; Manning the Navy.
3ª Boundary Survey (Ireland).

EDUCATION (SCOTLAND)—PARISH SCHOOLMASTERS—PETITION.

The Duke of BUCCLEUCH *presented* a petition from the ministers and elders of the Synod of Dumfries against any measure by which the control and superintendence of the presbytery are to be superseded. His Grace said, he had put a question to his noble Friend at the head of Her Majesty's Government, towards the end of last Session, with a view to learn the intentions of the Government in reference to the parochial system of schools in Scotland, as he had reason to fear that the efficiency of that system was imperilled. It was no doubt known to their Lordships that the system of which he spoke was one of great antiquity, there being Acts of the Scottish Parliament respecting parish schools and schoolmasters so early as the fifteenth century. The Act of 1690 fixed the salaries of parish schoolmasters at 11*l.* a year for the maximum, and 5*l.* for the minimum. A new graduation having become necessary, an Act was passed in 1803 which determined the salary by the conversion of a certain number of bolls of wheat into money, fixing the maximum at 22*l.*, and the minimum at 16*l.* In 1828 the average was again struck, when the maximum was fixed at 34*l.*, and the minimum at 25*l.*; that average expired in 1853. The question he had put was as to the mode in which the averages were to be struck for the future, and in reply to that his noble Friend said that at all events the parish schoolmasters would be secured in their salaries up to June, 1854. He (the Duke of Buccleuch) had taken the opinion of counsel on this point, and was confirmed in the conclusion to which he had come, that the salaries under the averages of the last 25 years expired in November last; so that at the present averages the salaries of 34*l.* and 25*l.* would be reduced to 26*l.* and 19*l.* He was anxious in the last Session of Parliament that an Act should be passed for continuing the salaries at the same rate at which they then stood, if not for perpetuity, at all events for a limited period, so that this deserving body of men should not be placed in the miserable position in which they now found themselves. In many parishes the heritors had not yet met to decide as to the amount of the future stipends of the schoolmasters, having abstained from meeting under the hope that the Government would bring in a Bill to settle the point; in others they had met, and decided that they were to stand for the future at 25*l.* and 19*l.*; but many had adjourned the assessment for these two amounts until June. The schoolmasters no doubt had their remedy by legal proceedings against those heritors who had omitted to assess themselves, but in the meantime they were in the unfortunate predicament of being without any salaries whatever. They had before them the alternative of having the amount of their salaries reduced by one-third, or having to wait several months before they got any salaries at all. He wished to know what the intentions of the Government on this subject were, and the rather that their measure for the extension of education in Scotland had failed in the other House. It was not his intention at that moment to enter into the general question of education; but he knew that those who were opposed to that measure had been charged with wishing to impede the progress of education in Scotland. To that charge he gave as strong a denial as Parliamentary language would allow him. He appealed to every one who had any acquaintance with Scotland, whether, instead of impeding education, it had not rather been their wish to extend it. The connection of parochial schools with the Established Church in Scotland, was regarded as an object of the highest importance; and what was desired by the heritors and landed proprietors had been expressed in a memorial signed by 2,000 of them, namely, that the parochial schools should continue to be connected with the Established Church of Scotland. Seeing the position in which the schoolmasters were now placed in consequence of their salaries being reduced under the new averages by nearly one-third, he wished to know what steps the Government intended to take to provide for their better remuneration—an object which the noble Earl at the head of the Government stated, last Session, he would bring in a Bill to carry out, if he were not able to proceed with the Bill on the general subject of education.

THE EARL OF ABERDEEN: I should just as soon think of accusing my noble Friend of being hostile to the extension of education in Scotland as, I am sure, he would be unwilling to accuse me of wishing to starve the schoolmasters. Last year, when my noble Friend asked me a question on this subject, I informed him that the schoolmasters were under a mistake in supposing that their stipends, at that time payable, would not be paid in the month of November. I found that they were secure in the month of last November, and I felt that, before bringing in any new Act to increase and extend the stipends of the schoolmasters, it was desirable to connect with it a general scheme of education, intended by the Government to be introduced early in the present Session. That was done; and, in the Bill so introduced, the salaries of the schoolmasters were largely augmented. The Bill, however, did not pass through the other House of Parliament; and, consequently, the schoolmasters, who up to the present time had been secured in the receipt of the rate established by the last average of twenty-five years, would now be reduced to the low averages of 27*l.* and 20*l.* Under these circumstances, I am at once ready to fulfil the pledge which I gave to my noble Friend last year, namely, that if no provision for augmenting the salaries of parochial schoolmasters as part of a general measure of education should be passed, I should be perfectly ready to introduce a temporary measure on the subject of the stipends of the Scotch schoolmasters, keeping them up to the amount enjoyed under the last averages. Therefore, in reply to my noble Friend, I have to state that the Lord Advocate will immediately introduce into the other House a Bill for the purpose of making temporary provision for the Scotch schoolmasters, keeping their salaries up to the amount they had hitherto enjoyed. The measure would only be of a temporary nature, because it is still hoped that augmented provisions for the schoolmasters may be connected with a general system of education in Scotland, to be proposed to Parliament. Without such connection, I should certainly feel it to be impossible, and quite unreasonable, to call on Parliament largely to augment the stipends of the schoolmasters from the public funds. Consequently, what is intended to be done at present is merely to continue that assessment on the heritors of Scotland which has existed up to last November.

THE MARQUESS OF BREADALBANE said, he much regretted that a measure so well adapted to meet the wants of Scotland and the great changes which had taken place of late years in that country as the Education Bill of the Government should have been thrown out in the House of Commons; but he would remind their Lordships that, according to the division which took place on the second reading, the representatives of Scotland were almost entirely in its favour. All the Scotch representatives voted on the question, and while the names of no less than thirty-six of them appeared in the minority, only thirteen went with the majority. Allusion had been made to the declaration, or rather advertisement, of the heritors or proprietors in Scotland with regard to the Bill; but he looked upon that as a very extraordinary way of prejudicing the legislation of the country, and he, for one, hoped it would not be successful. He was sorry to say there was a great want of sympathy between the heritors and the people of Scotland. He dared say the noble Duke would inform the House that only two or three counties were in favour of the Bill; but he (the Marquess of Breadalbane) would remind their Lordships that if the decisions of the county meetings had been taken and acted upon as faithful representations of the feelings and opinions of Scotland, none of those salutary reforms which had benefited the country would have been carried into effect. There would have been no constitutional reform, with its extinction of monstrous abuses—no municipal reform—and the restrictive Corn Laws would still have been pressing on the industry of the nation. This want of sympathy between the heritors and the people had existed not only upon the present subject, but upon all other important questions in Scotland. He was sure that the noble Duke (the Duke of Buccleuch) did not wish to impede the progress of education in Scotland; but if he still adhered to the principle that the parochial school system must be upheld as exclusively connected with the Established Church, he (the noble Marquess) could only say that the adoption of such a course would only tend to the defeat of any sound system of national education for Scotland.

The Earl of EGLINTON said, he wished to add his testimony to the fact that the opposition to the Government Bill on the part of the Scotch Members of both Houses of Parliament, and of the numerous body of Scotch proprietors who had signed the memorial which had been referred to, did not arise from any wish to impede the progress of education in Scotland. The desire expressed by them in that document was, that the parochial system should remain in the hands of the Established Church much in the same way as at present. They were not only willing but most anxious that popular education should be improved, and they would have been most happy to have carried out some parts of the Government measure if they could have done so without infringing on the present parochial system. The Government, however, refused to divide their Bill, and those who supported the connection of the educational system with the Established Church were, therefore, compelled to vote against it. The noble Marquess had said that the great majority of the Scotch Members of the other House of Parliament voted in favour of the Government Bill. But the fact was that politics had something to do with the votes of hon. Members on educational as well as on other matters; and he was sorry to say that the great majority of the Scotch representatives were supporters of the present Government. But it must be recollected that the Bill was thrown out, not only by a part of the Scotch, but also by a large body of the English Members voting against it, because they were informed by the noble Lord the Leader of the House (Lord John Russell) that it was the precursor of a similar Bill with reference to England. He flattered himself that that proved that the system proposed by that Bill had not only failed to find favour with the Scotch proprietors, but that it was not likely to receive a great amount of support in England.

Lord KINNAIRD begged to confirm the statement of the noble Earl, that, so far from the 2,000 heritors who signed the declaration against separating the parochial system from the Established Church, being opposed to the extension of education, they were prepared to have additional burdens placed upon themselves for the purpose of introducing improvements wherever they were necessary. The noble Marquess (the Marquess of Breadalbane) had laid some stress on the circumstance that a majority of the Scotch representatives had voted in favour of the Bill; but he must remember that they were, for the most part, Members for burghs to which the parochial system did not so much apply, and many voted for the second reading who were opposed to much of the details of the measure. He (Lord Kinnaird) rejoiced that the noble Earl (the Earl of Aberdeen) intended to redeem the pledge he gave last year, that, at all events, the parochial schoolmasters should not suffer in consequence of a difference of opinion in Parliament as to the maintenance of the existing system. He (Lord Kinnaird) had a notice on the paper for a future evening, for the appointment of a Commission to inquire into the subject of education in Scotland—which notice he would now withdraw in the hope that the Government would themselves institute an inquiry before any new measure should be introduced. His reasons for placing such a Motion on the paper was, that he believed the Bill of the Government contained two assertions which were, in his opinion, unfounded—first, that the means of education in Scotland fell short of what was required for the increased population; and next, that the present superintendence and management of education were greatly defective; and he trusted that, before any attempt was again made to introduce a general system, some inquiry would be made into the real wants of the country in those respects, as he did not believe they would be found to exist to anything like the extent which had been stated. The Scotch proprietors were willing to place the schools in a state of the fullest efficiency, and to increase the salaries of schoolmasters, but they hoped to arrest any measure which went to the destruction of a system which had worked so well in Scotland, and obtained for her the high renown which she had acquired with regard to education. He believed that the measure of the Government was concocted and drawn up by Free Churchmen, and that it was mainly with the object of getting their schools placed on the assessment it had been introduced. He could state, further, that a most unholy alliance was formed between that party and those in Scotland who were for secular education; but luckily it was broken up, as they could not agree amongst themselves. They were only united upon one point, and that was to destroy the parochial schools. He hoped that any measure which the Government might hereafter introduce would be carefully considered, and that they would resolve not to be guided by the views of one party only.

THE DUKE OF ARGYLL would impress on the minds of all his noble Friends connected with Scotland, he would not say the impossibility of treating this question adequately, upon an incidental discussion such as this, but the impossibility of dealing with it with even tolerable fairness. It was a very large subject, the question of education, whether in England, Scotland, or Ireland—connected with very large principles of public policy, and requiring very careful examination. He almost regretted that his noble Friend who had just sat down had withdrawn the notice he had placed on the table; because, though he (the Duke of Argyll) should have been compelled to vote against it, he should have thought it a fit occasion for bringing under the notice of their Lordships' House the views under which Her Majesty's Government had introduced the recent measure on the subject of education in the other House of Parliament. He should now look forward to the occasion when the Bill which had just been announced by the noble Earl at the head of the Government should reach their Lordships' House for an opportunity of stating his views. Till that time he hoped their Lordships would preserve an impartial judgment on the question.

THE EARL OF HADDINGTON said, he was certain there was no want of sympathy on this subject in their Lordships' House. He could assure their Lordships that the benefit of the schools of the Established Church of Scotland was not confined to the members of that communion. Free Church children and Dissenters flocked to those schools; and he knew that in the West Highlands, a great many Roman Catholic children had attended them constantly till they were prevented by their priests. A noble and learned Lord (Lord Brougham) had stated the other day, in presenting a petition on this subject, that Lord Dunfermline, and those who concurred with him, had not been actuated by the least opposition to plans for the education of the people, nor influenced by any such motive. He heartily rejoiced to hear the announcement that had been made by the noble Earl at the head of the Government. He would suggest to that noble Earl that, regard being had to the peculiar circumstances of the case, he should introduce two measures on this great and important subject. In Scotland there was great diversity between town and country. Although what his noble Friend who spoke last said might be perfectly true, and although the want of the means of education had been a little exaggerated in the accounts that had reached their Lordships, still he believed it wholly impossible to exaggerate the want of the means of education that existed in the towns. The parish school system, which had for centuries been of the greatest benefit to Scotland, had unhappily been found inapplicable to towns, which, consequently, were left without adequate means of education, except what were given by voluntary exertion. He believed the Church of Scotland to be anxious for the education of the people; he also believed the Free Church to be anxious for the education of the people; and he trusted that they would show it, and not lead it to be believed that they only aimed at victory the one over the other.

LORD BROUGHAM said, that, on a previous occasion, when he had presented a petition on the subject of the Bill then before the other House of Parliament, and which they had unfortunately rejected, he had taken the opportunity of stating that not only his noble and learned Friend Lord Dunfermline, but those who concurred with him in opposing the measure, were not actuated by any decided opposition to the plan for the education of the people of Scotland, nor were they influenced by any coldness in that great and important cause. He heartily rejoiced that the noble Earl at the head of the Government had made the announcement which their Lordships had heard of the intentions of the Government in respect of the stipends of the schoolmasters, and, if he might be permitted, he should wish to suggest, in reference to any measure that might be hereafter introduced in respect of education, that regard be had to the peculiar circumstances of Scotland, and that two measures should be introduced instead of one. There was the greatest diversity between the towns and the country parts; and, although what had been stated by his noble Friend about the want of the means of education in the country parts might be true, still there had been a considerable amount of exaggeration as regarded the educational wants of those districts. With regard, however, to the towns, the case was very different, and it was impossible to exaggerate the want of the means of instruction in the towns of Scotland to which the parochial system was not applicable. The only means for the advancement of education in the towns were derived from the voluntary exertions of individuals, and it was quite clear that we could not leave so important a subject as the education of the people to mere individual exertion. He trusted that the Government would justify the opinion he ventured to entertain, and that in dealing with this question they would show themselves anxious for the education of the people, and prove that there was one thing which they valued more than even a victory of the Established Church over the Free Church, or of the Free Church over the Establishment.

The Earl of ABERDEEN said, he was afraid that his noble and learned Friend had a little misapprehended what he had stated. What he said was, that a Bill would be shortly introduced to make a temporary provision for the schoolmasters in Scotland, but he did not give any assurance of a measure for education in Scotland being introduced during the present Session.

Lord BROUGHAM was sorry that the noble Earl could extend his assurance no further.

The Duke of BUCCLEUCH said, he hoped the operation of this temporary measure would not be so limited in duration as that the schoolmasters would find themselves a twelvemonth hence in the same situation that they were now. He wished it to be clearly understood that the schools in Scotland were not exclusive. There was no system of education so open in the whole world as that of the parochial schools in Scotland; for there was not the slightest impediment to children of any religious denomination attending them. Unless, therefore, difficulties were interposed by other parties, the children of Roman Catholics, Episcopalians, and Dissenters could and did attend the parochial schools with the utmost freedom. It was, therefore, not liable to cause misapprehension to state that there was anything in the slightest degree exclusive in the Scotch system of parochial schools. He trusted that the suggestion thrown out by the noble and learned Lord (Lord Brougham) would meet with consideration, and that two Bills would be introduced. It was necessary to bestow the utmost care upon any measure of education which was intended only as the precursor to a more general change, and he hoped that when another measure was introduced it might not be left to the management of one person, but that it would be supported by the united weight of the Government.

The Marquess of BREADALBANE had spoken of the Scotch parochial schools as being "exclusive" because the masters were compelled to be members of the Established Church of Scotland, and to subscribe to the tenets and doctrines of that Church, and no man, however well qualified, could become a schoolmaster unless he was a member of the Established Church, which did not now comprise more than a third of the people.

The Duke of BUCCLEUCH said, that these remarks came very ill from a member of a sect, the trust deeds of whose schools were drawn with the utmost care, so as by the most rigorous tests to prevent any but one of their own body becoming a master therein.

The Marquess of BREADALBANE said, he was against all religious tests; he thought that the more we got rid of them the better. There must, no doubt, be some declaration of principle in cases like those under discussion; but he heard with great satisfaction that the noble Duke was opposed to religious tests generally.

Lord BROUGHAM said, that he only hoped that, amidst the differences of the contending parties, the scheme for the education of the people would not fall to the ground.

Petition ordered to lie on the table.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, May 22, 1854.

Minutes.] Public Bills.—1° Sheriff and Sheriff Clerk of Chancery (Scotland).
3° Customs Duties.

WAYS AND MEANS—EXCHEQUER BONDS.

On the question that Mr. Speaker do leave the Chair,

Mr. T. BARING said—I wish to explain the change it is necessary for me to make in the course I intended to pursue. I had understood from the noble Lord (Lord J. Russell), on the first introduction of the Resolutions of the Chancellor of the Exchequer, that the first Resolution which was adopted in Committee would be reported, and on that Report would follow any discussion that might apply to the general system of finance. I then gave notice that I should move an amendment upon bringing up the Report, but since that the noble Lord has changed the course of proceeding, and we are called upon to go into Committee before reporting the first Resolution. As I cannot, from the forms of the House, refer in the House to what passed in Committee, I will defer the Resolution of which I have given notice as an Amendment till we are in Committee, and probably till after hearing from the Chancellor of the Exchequer the reasons for the change in the Resolution which he has since introduced.

House in Committee.

THE CHANCELLOR OF THE EXCHEQUER: I do not rise, Sir, for the purpose of making any statement upon the subject of the merits of the Resolution in your hands, over and above the general statement which I have already made to the House upon that subject, but simply for the purpose of noticing what has fallen from the hon. Member for Huntingdon, who, I think, appears to be in error with regard to what was stated by my noble Friend as to the originally intended course of proceeding upon this matter. As far as the Government is concerned, there has been no change whatever in their intentions and announcements from the commencement; the only change that has occurred has occurred in consequence of suggestions made from the other side, and in deference to such suggestions as appeared to be reasonable. The proposals of the Government were twofold. In the first place they went to an enlargement of the permanent resources of the country—I should rather say of the Exchequer; and, in the second place, they went to make a temporary provision of the funds to supply the wants of the Exchequer during the interval before the new taxes could come into play. I cannot, therefore, understand how there can have been any misapprehension on the subject of the order of proceeding, because I was most careful to state, in introducing the whole matter to the House, that the order of proceeding would be this—we should in the first instance take votes upon all the new taxes, and then ask for votes with respect to what I will call the cash provision that was to be made, with this single exception, that, as certain contracts had been entered into, it was necessary to ask the assent of the Committee to, or at least the opinion of the Committee upon, these contracts without any delay. The Committee was pleased to give its opinion in favour of adhering to those contracts. That being so, there was no reason for departing in any particular whatever from the order of proceeding I had announced—namely, taking in the first instance decisive votes on the taxes, and then submitting to the House or the Committee the provision that must be made for the wants of the Treasury in the interval. On that principle it is that I have now moved that Mr. Speaker should leave the Chair, and that the opinion of the Committee should be taken upon the proposal that is made for raising money either by Exchequer bonds or Exchequer bills. The Resolution that has passed through Committee has reference rather to the contracts already made than to the general question of policy with regard to the raising of this money. It therefore appears to me that this order of proceeding is that which is most natural and conformable to the common sense of the case, and it certainly conforms with the announcement originally made by the Government.

Motion made, and Question proposed—

> "That the Commissioners of Her Majesty's Treasury be authorised to issue Exchequer Bonds bearing interest at the rate of 3*l*. 10*s*. per centum per annum for any sums not exceeding in the whole 4,000,000*l*., at any prices and on any terms determined upon by the said Commissioners, such Bonds to be paid off at par at the expiration of any period or periods not exceeding six years from the date of such Bonds."

MR. DISRAELI: This order of proceeding may be the most natural one under the circumstances, but it certainly is not the one which hon. Gentlemen on this side of the House understood to have been assented to. The House has seen to-night the great disadvantage of its having been induced without any discussion to pass this formal Resolution. There was a most distinct declaration on the part of the noble Lord that the Committee was clearly to understand that by the passing of the formal Resolution no person whatever was bound in any way, and the Chancellor of the Exchequer has now treated the formal passing of that Resolution in Committee as a sanction of the Resolution by the House. Now, with reference to the understanding upon which we supposed this business was to be conducted, I can only say that I did understand from the noble Lord most distinctly that the Report to the House of the Resolution then formally passed in Committee should be taken the first thing on this day week last, in order that the opinion of the House should be taken on the general financial scheme of the Government. Unfortunate circumstances prevented our then entering into the discussion, but I did certainly understand from the noble Lord that the Report of this formal Resolution was to be made last Monday, in order that the opinion of the House should be taken on the general statement of the Chancellor of the Exchequer. In proof of the accuracy of my impression I will recall to the recollection of the Committee that there was a second proposition made by the noble Lord. It was in consequence of our demurring to pass the formal Resolution in Committee that the noble Lord, who had intended originally to press the Report of the Resolution to the House, said, "Very well; under those circumstances we will put it off till Monday week, when the whole discussion on all the propositions will be taken on the Report of the first Resolution." I believe this is an accurate version of what occurred.

LORD JOHN RUSSELL: I thought, Sir, it had been perfectly clear that, though I postponed the Report of the Resolution in order that the right hon. Gentleman might have an opportunity of stating his views with regard to the general proposition of my right hon. Friend the Chancellor of the Exchequer, yet that it was understood, either that the Report or the further Resolutions in Committee should be taken on the day when that debate came on. The right hon. Gentleman once, if not more than once, asked me which was to be taken first. It seemed to me that the more convenient order would be to take the Committee before the Report, and, when the right hon. Gentleman asked me which would be taken first, I answered that the Committee would come first. All that I engaged was that the Report should not be taken as a matter of form, but should be open to discussion.

MR. DISRAELI: My hon. Friend, the Member for Huntingdon (Mr. T. Baring) had given notice of his Amendment previously to the period to which the noble Lord refers, having been of the same impression, as others upon this side of the House. I certainly am of opinion that the original engagement which the noble Lord entered into with the House has not been fulfilled.

THE CHANCELLOR OF THE EXCHEQUER: My noble Friend and the right hon. Gentleman are, I apprehend, entirely at issue as to what the original engagement was. In another of his observations the right hon. Gentleman has fallen into a serious error. He says, "We see from this the great inconvenience of allowing these to pass as formal Resolutions, being told that they would not in any way commit the House, and that the judgment of the House would be given at a future stage." That is an entire misapprehension so far as regards the point at issue. With respect to the taxing Resolutions, that is no doubt perfectly true. They were taken purely as a matter of form, to enable the revenue officers to proceed in such a way as to prevent evasion; but when we came to the Resolution relating to Exchequer bonds, neither I nor any one else connected with the Government ever represented that as a formal Resolution. I said that it was necessary, and conformable with all precedent, that we should have the immediate judgment of the House upon it. It was not a formal judgment, but we solicited it from the Committee in order that the parties with whom the Government had entered into contracts might be made at once aware whether it was the intention of the House to ratify or disapprove it.

MR. DISRAELI: That is the very point. The right hon. Gentleman has never had the judgment of the House upon it, but only of the Committee; and it was because I and other hon. Members assented to that Resolution that the postponement was originally proposed.

SIR HENRY WILLOUGHBY: I wish, Sir, to call the attention of the Committee to what appears to me to be a practical difficulty. I certainly understood that the whole question of the principle of the Budget was to have been discussed upon the Report; but the difficulty which occurs to me is this:—A resolution has been passed as regards the first 2,000,000*l.* of Exchequer bonds, which stands second for the Report to-day; but there are three new Resolutions involving some important questions, which are now to be submitted for the first time to the Committee, and I ask, is it fair to call upon us to pass a judgment upon those Resolutions unless the right hon. Gentleman states what are the grounds upon which he calls for the extraordinary power of being entitled, whenever he pleases, any time within the next six years, to issue Exchequer bonds or Exchequer bills to the extent of 4,000,000*l.*, and at any terms which he is to fix at the time? This is a question of great importance, because it is utterly impossible to know why such extensive powers are required unless we have some information upon the subject from the Finance Minister, who is now in the position of initiating a new set of measures.

THE CHANCELLOR OF THE EXCHEQUER: Sir, as regards the general grounds upon which this proposition was founded, I did endeavour to state them upon a former occasion, and I certainly did not expect to hear the objection raised, that I had not stated them with sufficient fulness upon the occasion to which I refer. These Resolutions are general in their character, and are preparatory to a Bill. They do not contain everything that is to be provided in the Bill. On the contrary, there are various important provisions which must be inserted in the Bill, and which it is not the custom to comprise in the preliminary Resolutions, which are rather submitted for the purpose of raising the question in a broad and simple form. With respect to the limitation of time within which this money is to be raised, there is no occasion why the Government should ask power to raise money at any time within six years. It is intended to take powers applicable to the present financial year only, and when we come to the Bill, provisions will be inserted to that effect. In taking power to dispose of these bonds at any terms, I only follow the precedent which has been invariably adopted on these occasions.

MR. T. BARING said, it certainly had been his impression that the understanding was that the first Resolution should be reported before they proceeded in Committee with the other Resolutions. That being so, he had framed his Amendment as applicable to the first Resolution, and to be taken upon the Report. He thought it more for the convenience of the Committee, however, that he should state now his objection to those Resolutions, and move in Committee the Amendment of which he had given notice, and which he had intended to have moved in the House. He could sincerely say, that he would very gladly have given a silent vote in favour of the financial plan of Her Majesty's Government, for he knew, and had seen, the difficulties with which every Chancellor of the Exchequer had to contend, even in times of peace. There had been difficulties in former years arising from the contraction of revenue, from commercial crises, or a famine in Ireland—events entirely beyond the foresight or control of the Government of the day. On the present occasion, whatever the difficulties with which the Chancellor of the Exchequer had had to contend, it appeared to him that they had arisen from the conduct of the finances during the past year, and that they had been the creation of the policy of Her Majesty's Government. It would appear, therefore, to be natural, when a remedy for those difficulties—novel and somewhat extraordinary—was being proposed, that it should have the full and attentive consideration of that House. At the same time, he himself should not have originated any Amendment, had it not been for the speech with which the introduction of these Resolutions had been accompanied—a speech, no doubt, of the greatest talent, and which even those who differed from the sentiments conveyed in it had heard with admiration. The right hon. Gentleman the Chancellor of the Exchequer told the House that the policy of the past was to be the policy of the present and of the future; he connected what had been done with what was to be done, and he called upon the House to give its approbation to that policy because it was to be prospective as well as retrospective. Thinking, as he (Mr. Baring) did, that those measures which had been adopted last year were ill-advised and wanting in prudence and caution, and had therefore been unsuccessful, he conceived that the Committee would be acting very wrongly to acquiesce in the declaration, that the principles which had guided the Government last year in finance were those which should be approved and maintained for the future. The Chancellor of the Exchequer had stated, with perfect fairness, that it was necessary, in order to judge of the merits or demerits of the past measures, to consider what was the position of affairs fifteen months ago. He perfectly agreed with the right hon. Gentleman in the justice of that proposition, and he would state the reasons why he thought that fifteen months ago the financial measures which were adopted by the Government were not judicious. In the first place, nothing could have been more favourable than the position of the Chancellor of the Exchequer fifteen months ago. With a surplus revenue, a considerable balance in the Exchequer, and prosperity and tranquillity at home, his position would seem to have been no very difficult one. The right hon. Gentleman had another great advantage. He belonged to the school of the late Sir Robert Peel and of the right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn), who had established a reputation among those who were connected with the employment of capital and the moneyed power in this country for prudence and great caution, and for almost complete success. But this was not all. The right hon. Gentleman had among his supporters several distinguished Members of that and the other House who had been Chancellors of the Exchequer; not the page merely, but the whole volume of the secret history of finance, lay open before him for the last fifty years; he had around him a bright constellation of departed Chancellors of the Exchequer, the light of whose experience might have sometimes served to guide him, and sometimes to warn him. There was every confidence, therefore, with a Minister of such ability, having at his call so much experience and prudence to guide him, that the course of the financial history of the past year would have been one, at any rate, without shocks and convulsions, if not one of complete prosperity.

In the allusions which he should have to make to the right hon. Gentleman he was sure the right hon. Gentleman would feel that he was not wanting in personal respect, but that he spoke of him as the organ of the Government, of which he was, unquestionably, one of the most distinguished ornaments. The right hon. Gentleman had said that they were wrong to suppose that there were no difficulties with which he had had to contend, for that he had had difficulties in regulating the taxation of the country, in continuing or increasing the income tax, and in introducing the succession tax. He (Mr. Baring) did not suppose, however, that there was any very close connection between those measures and the reduction of the rate of interest on Exchequer bills, or the scheme for the conversion of the minor stocks. No one, he was sure, would say that the right hon. Gentleman had gained a single vote for the income tax by reducing the interest upon Exchequer bills, or that he had weakened the Opposition to the succession duty by his conversion scheme. They were entirely to be kept distinct, except so far as any success in those financial measures might induce the House to pass leniently over failures. But there were dangers of a different description which should have deterred a prudent Minister from making any great changes of the kind that were effected. The right hon. Gentleman found that his predecessor had reduced the rate of interest upon Exchequer bills from $1\frac{1}{2}d.$ to $1\frac{1}{4}d.$, or from 2*l.* 5*s.* to 1*l.* 17*s.* per cent. Subsequently to the period, however, when that measure passed in June, there had been a regular efflux of gold from the Bank of England, notwithstanding the purchases it had made. Between June and July there was a reduction of nearly 2,000,000*l.* in the gold in the Bank, to which it must be added, to show the drain that had taken place, that the Bank had purchased upwards of 6,000,000*l.*, so that there had been a drain of 8,000,000*l.* of gold during this period. It must then, to most people, have been evident, either that there was a great balance due from this country abroad, or that, notwithstanding the assistance which had been given by the import of gold from California and Australia, our engagements and liabilities had increased to such an extent as not to be overcome by that assistance; and there must have been anticipations of a contraction of the facilities of this country, of a rise in the rate of interest, and, perhaps, even of financial and commercial difficulties. The Bank of England, judging, he presumed, in that way raised the rate of interest from 2*l.* to 2*l.* 10*s.* upon the 16th of January, 1853, and in a fortnight afterwards to 3*l.* per cent. This, one would have supposed, would have been a warning to the Finance Minister not to attempt to act in a manner contrary to what was the turn of interest at large in the market, and not to reduce the interest upon Exchequer bills when the rate elsewhere was rising. In the month of February, however, the right hon. Gentleman announced a reduction of interest—and that, not with any improvement in the circumstances of the country, for on the 12th of February the amount of gold showed a decrease of about 2,000,000*l.*, although since the 1st of January the Bank had purchased nearly 1,000,000*l* of gold. The right hon. Gentleman appeared, therefore, to have acted upon this conviction—either that he was right in supposing that the rate of interest was only temporary and must fall, or that he believed that by a reduction of the interest he would reduce the amount of Exchequer bills afloat. He (Mr. Baring) spoke with considerable hesitation upon the subject of the Exchequer-bill market. The right hon. Gentleman was a far better judge than he could be of it; at least, the right hon. Gentleman had lately had more to do with it, and had had more trouble with it; but he thought that the Exchequer-bill market was a most valuable resource for any Minister, because it afforded opportunities for obtaining money at a moderate rate, and below what he could obtain it for by loan. That was an advantage, however, which could only be continued and maintained by the continuance and maintenance of confidence in that market; and that confidence, he believed, was chiefly maintained by the conviction, on the part of Exchequer-bill holders, that the rate of interest would be sustained in some accordance with the general rate of interest, and that the Chancellor of the Exchequer would not act contrary to the course of events elsewhere, but would shape his operations according to the rate of interest abroad.

The great advantage of the Exchequer-bill market was, that it gave to the holders of those bills the temporary employment of their money, with the perfect security of receiving their principal at any time, with a fluctuating rate, no doubt, of premium, but with the conviction that they could always obtain their money whenever they wished to change their investment. In order to do that, however, it was evident that the holder should be certain to find some one who would take them off his hands—there must be confidence between them—and that could only be secured by the Government maintaining a fair rate of interest for those bills. The right hon. Gentleman said that he had evidently been quite right in what he had done, because in March the whole amount came in for conversion, and not for payment. He ventured, however, to differ from the right hon. Gentleman in that view. It must be borne in mind, in the first place, that there was always great confidence reposed in the Chancellor of the Exchequer—that he was thought to be a wiser man and a better judge of mercantile matters than others; and in the next place, there was a conviction—as there always had been—that, should the rate of interest be permanently low, the Chancellor of the Exchequer would raise it. They determined to hold on therefore till June, in the full belief that there would then be a rise in the rate of interest, and that the Exchequer bondholders would not be at a loss. When June came, and the decision was to be taken whether the rate of interest upon Exchequer bills was to be raised or lowered, the Chancellor of the Exchequer pursued the same course as he had taken before, and the rate of 1*l*. 17*s*. was reduced to 1*l*. 10*s*. The consequence of this was that not less than 3,000,000*l*. of Exchequer bills came in for cash. They then fell to a discount, considerable purchases were made, and the interest was raised in October. Now, he asked the Committee to consider whether the withdrawal of 3,000,000*l*. of Exchequer bills was not a proof that it was mismanagement to lower the rate of interest? But when he showed that the low price for those Exchequer bills had only been maintained by forced purchases on the part of the Government, then he thought it would be a still stronger evidence that without those purchases they would have fallen to a much lower discount than they had, and would have thus brought a further discredit upon the Exchequer-bill market. He found that between the 5th of May and the 26th of May 381,000*l*. Exchequer bills were purchased by the savings banks money at 2*s*. premium down to par, and that between the 9th of July and the 26th of September 866,000*l*. Exchequer bills were purchased at prices varying from 1*s*. premium down to 10*s*. discount; and if this 1,247,000*l*. of the savings banks money had not been employed in the purchase of Exchequer bills to what did the right hon. Gentleman think they would not have fallen? The use of this money was perfectly legal, but there was something unusual in the way in which that money was obtained, as between the 21st of June, 1853, and the 17th of February, 1854, 652,546*l*. Stock of the funded debt belonging to the savings banks, was sold to buy Exchequer bills. The Chancellor of the Exchequer, therefore, began by selling the stock of the savings banks in order to prop and bolster up the Exchequer-bill market; and when he got the Exchequer bills into his hands, he converted them—as he had, no doubt, a legal right to do — into funded debt, thus adding 1,247,000*l*. to that funded debt which he and other hon. Members who supported him, were so strongly of opinion ought not to be augmented. These were, undoubtedly, means which the law allowed to a Chancellor of the Exchequer, and they were means which he knew had been resorted to on former occasions, but never, he believed, without great reluctance, and all parties admitted that it was a step which should only be had recourse to under the greatest difficulties and pressure. But what was the nature of the emergency which rendered necessary this step on the part of the Chancellor of the Exchequer? It was his own measure of reducing the rate of the interest on the Exchequer bills that created the difficulty—that obliged the right hon. Gentleman, through the means of the savings banks, to purchase Exchequer bills, and this ended in the permanent addition of 1,247,000*l.* to the debt of the country. He said, then, with perfect allowance, that if the Chancellor of the Exchequer was at liberty to use these means, they ought not to have been resorted to excepting on the greatest emergency—which emergency, if it did exist, had been created by the Government itself. The Government, therefore, were to blame for the emergency which had ended in what every one must deprecate—an increase in the national debt. The right hon. Gentleman had, however, said that he was perfectly satisfied with the results of this measure, which had been a saving to the country of 60,000*l.*, while Exchequer bills were at what he called a moderate rate of interest, and he established this moderate rate by reference to France and past times. With regard to the rate of interest in past times, the right hon. Gentleman knew—as did the Committee—that the rate of interest must depend on the state of the country and the amount of bills in existence, and the comparison of the rate of interest at one period could hardly be cited as a test with reference to another period. With regard to France—when he recollected what shocks public credit and private property had there received, he was surprised that the Chancellor of the Exchequer had drawn a parallel between England and France; and he hoped that the financial system of France was not to be the basis upon which the present Government would proceed. But in making such a comparison, the difference in price between the French three per cents and the three per cent Consols in this country ought not to be lost sight of. If there was any test that could be brought to bear—and he thought all tests as to the comparative cheapness or dearness of Exchequer bills were open to objection—it might be obtained by the comparison of the rates of interest on the funded and unfunded debts. Consols were at par, their lowest point was 85, which gave 3*l.* 11*s.*, or an increase in the rate of interest of 11*s.* The rate of interest on Exchequer bills was 1*l.* 17*s.* This increased to 3*l.*; so that while there was only 11*s.* increase in the rate of interest on the funded debt, there was an increase of 1*l.* 3*s.* in the rate of the unfunded debt. How, then, could the right hon. Gentleman be so perfectly satisfied with the result of his measures, and that, too, at a time when there were only 17,000,000*l.* of Exchequer bills out? The amount had been much greater in many previous years, and some time since there were not less than 43,000,000*l.* of Exchequer bills at the same rate of interest as that now paid, namely, 2*d.* per day. There might have been one reason which had actuated the right hon. Gentleman in this measure—a wish to diminish the amount of the unfunded debt; his object might have been to have employed his balances in the reduction of the unfunded debt. He (Mr. Baring) doubted whether this was judicious, but by reducing the amount suddenly they alienated capital from being invested in that mode which would have remained permanent, and which, when required, did not come back so easily. If such were the wish of the right hon. Gentleman, he was by his own acts frustrated in it, for by his conversion scheme he had two employments for his balances—they were employed by the unfunded debt, and a large call was made upon them by the funded debt.

This brought him to another point on which the right hon. Gentleman seemed to congratulate the House, and to have apprehended censure. With regard to the conversion scheme, the same reasons could not be advanced for this that were for the reduction of interest; there was the general aspect of affairs, and he (Mr. Baring) believed that there was a great increase of the exercise of credit; and though great ease had been given by the arrival of gold, still this was only temporary—for the trade, enterprise, and industry of the country, had in proportion increased to the increase of gold; and whether there had been a good harvest, or whether the country were at peace or war, there would have been a drain which called for a contraction of facilities. When the Chancellor of the Exchequer proposed his measure, he said he thought things had very much changed; that there was an increase of gold in the Bank of not less than 1,000,000*l.* since the month of February. But this was made up of purchases to that amount, and the increase did not therefore bring increased treasure into the Bank to that amount. There was, in fact, everything to prescribe caution, and he regretted that that caution had not been adopted. The right hon. the Chancellor of the Exchequer stated that the objections taken to his proposed conversion plan were not of such a nature as to deter him from attempting to carry them out. The fear expressed was that the right hon. Gentleman was giving too good terms, and that 2½ per cent for forty years was a disadvantageous bargain for the country. Though the Chancellor of the Exchequer said that the gradual decrease that was to take place in forty years was an advantageous bargain, he (Mr. Baring) could understand those who asserted that the bargain for forty years might be very improvident as regarded the future, though at the present time it seemed advantageous. The right hon. Gentleman said that the real and only objection to his financial scheme was one which was made by himself—namely, the inconvenience which would arise from the withdrawal of the public balances from the Bank. But when the right hon. Gentleman made that objection to his own project, he stated what was a truism just as much as if he had said that having 10,000,000*l.* to pay, he would require 10,000,000*l.* to pay it. What was the commutation scheme for, if not to avoid the necessity of payment by holding out to the public such temptations as would prevent them from sending in their demands? If he had told the right hon. Gentleman that he would have been inconvenienced by paying more than he had in hand, this was so evident that he wondered that the right hon. Gentleman should have prided himself upon being the only individual who had found it out. But did he say that he would be inconvenienced on the 29th of July, when he found the aspect of things favourable to the conversion scheme, and that the payment could be effected without pressure and with economy to the public? The right hon. Gentleman looked upon this scheme as favourable to the country, and such he (Mr. Baring) presumed he maintained it to be, as he stated that the operation had been effected without loss. It was difficult to conceive how there could be no loss in paying off at 100 when Consols subsequently fell to 85. Would anybody say that if we had employed that money in another way, and at another time, or if we had it at our disposal now, the result would not be more favourable to the public interests? How the right hon. Gentleman could say that there was no loss to the public in such an operation was a matter of wonder, which they would, no doubt, have explained. But were there no other reasons for not continuing that scheme? Was there nothing in the Exchequer-bill market which ought to have deterred the right hon. Gentleman? He had there 3,000,000*l.* to pay. If he wanted to reduce his unfunded debt, and to pay this 3,000,000*l.*, and so keep Exchequer bills out of the market, surely he ought not to have involved the country in an operation which would create a further demand upon him for some 8,000,000*l.* or 10,000,000*l.* And, if there was one motive stronger than another, it was to be found in this, that when there was in hand one financial operation, it should have been completed before entering upon another. Besides, a measure of such importance, depending on circumstances and opinions, should not have been ventured upon, excepting when there was tranquillity at home and every possibility of maintenance of peace abroad. He was not one of those who taunted the Government for making every exertion to obtain peace, nor did he blame them for clinging to and hoping against hope for peace; but he did say that, if there was the slightest disturbing cause, or if there was the slightest speck of a cloud upon the political horizon, then the Government ought to have paused before proceeding with a measure which, by its failure, not only rendered the payment of large sums of money necessary, but deferred the object which the right hon. Gentleman professed to have so much at heart. It must be remembered that this failure was not a trifling matter; for, owing to it, the future attempts of the right hon. Gentleman or those of his successor would be met with increased difficulty.

Was there nothing, then, to alarm Her Majesty's Government in April, when this measure was produced? There was in the blue book a letter to Lord Clarendon from

Sir Hamilton Seymour, which, while it states his reliance on the pacific intentions of the Emperor of Russia, yet said that there were movements of troops and operations in the south of Russia calculated to excite uneasiness. With this cause for uneasiness expressed by Lord Clarendon on the 5th of April, how could the Chancellor of the Exchequer come forward on the 10th of April with such a measure? The right hon. Gentleman had said this scheme had been effected without loss; but there was one item in these accounts of the employment of the sinking fund to the amount of 2,300,000*l.* in the purchase and withdrawal of deficiency bills; but if this sum had been employed, as, according to every rule of common sense and reason, it ought to have been, in the extinction of past debt, if that had been done, he did not mean to say they would have gained by the operation, but they would have obtained their amount of national debt at a much cheaper price than they had paid for it. If the money had been so employed, they would have been saved from what the loss in this operation had involved them in, those shifts and difficulties which had wasted the balances in the Exchequer—the sums to be paid, part in deficiency bills in the ensuing, and part in Consolidated Fund's bills to be paid in the subsequent quarter; from the selling up the savings bank fund to purchase Exchequer bills, which had ended in an addition to the national debt, which they were all so anxious to save from increase. But the surplus revenue that might have prevented all this had been absorbed in meeting the wants of the Government created by their unwise and abortive policy. The right hon. Gentleman had told the House, however, that it was of the utmost importance that they should be aware of the principles which actuated the Government in their financial operations—that these were prospective as well as retrospective. He had almost told them that, whereas he did not regret what had been done, he should continue to act on the principles which had hitherto guided him. If such really were the intentions of the right hon. Gentleman, he (Mr. Baring) would ask the Committee whether, having seen the result of the application of those principles, they would now assent to a Resolution without one word of caution being uttered or expression being given to their opinion, that in past operations more prudence ought to have been exercised and that greater foresight ought to be adopted as regarded the future? There were other points which had not so much a retrospective as a prospective effect. One was of the greatest importance to the public service—a question as to the national security and faith. The right hon. Gentleman had stated that he took a different view from what had been taken in past times, with regard to balances at the Bank. He (Mr. Baring) desired not to say much as to the relation between the Bank of England and the Government, as the Bank acknowledged no organ but their governors; and in that House the Chancellor of the Exchequer was the only organ of their negotiations; he did not, therefore, wish to say anything on the principle which the right hon. Gentleman had laid down touching the balances in the Bank. There were two questions connected with these balances—the one was the amount of balance which the Chancellor of the Exchequer was to have in hand, whether any or to what extent (to meet liabilities as they fall due), derived not from the past but future income. The other was as to the application of the balances on all accounts for the payment of the dividends at the Bank of England. As he had said before, he did not wish to dwell long on this question of the Bank, which, as hon. Gentlemen knew, was governed by a Treasury Committee in which implicit confidence was placed, and by this cabinet the negotiations with the Government were carried on; but the tenor of these negotiations was not known to the directors until completed, and what he (Mr. Baring) said or knew upon this subject he gathered from reports in the newspapers and the speech of the right hon. Gentleman the Chancellor of the Exchequer. He might just say that he could not conceive that in any possible case the Chancellor of the Exchequer and the Bank of England should not go on in perfect harmony—their interests were so identical, they were both anxious for the maintenance of public credit and the assistance of private credit—so that he could not imagine that between a reasonable Chancellor of the Exchequer and a sensible governor of the Bank there could be a difference which could not be reconciled. The duties of the Bank of England were defined by law, and he was sure, in any legitimate object which the Government might wish to have carried out, that the Bank not only felt it their duty, but were desirous of granting the demands of the Government; and for this reason—that the Bank of England was a great creditor of the Government, and must desire, as every creditor did, unless he was a very Shylock, the prosperity of the debtors; and because the Bank of England ought not to be continued in its double capacity of an issue and banking department unless its operations were proved to be for the benefit of the country at large.

The right hon. Gentleman, as he understood him, contended for the issue of deficiency bills to meet the accounts of the dividend, and argued that it was not only a facility but an advantage that deficiency bills should be issued to meet that object. [The CHANCELLOR of the EXCHEQUER here intimated dissent.] If he was not mistaken, that was the tone of the right hon. Gentleman's argument, and that, so far from there being any objection to the issue of deficiency bills, he thought that they were a positive advantage, because they saved the necessity of drawing money away from the commercial community. Now, as to the disadvantage of drawing in the money from the commercial community for the payment of the interest, he thought it was greatly overrated. The correct principle was, that they ought to provide out of their previous income for the dividends which they had to pay. As a rule, the prudent course was, that when they had to pay the interest of debt they should pay it with money out of their own pocket; for, in reality, there was a loss to the country for having this money in the Bank of England at interest, while the fact of the Bank employing it commercially was not so great a benefit as was supposed. Then there was the great inconvenience that they might ask for this money from the Bank of England at a time when that money could not be forthcoming without serious restrictions on the facilities of trade; and there might be this disadvantage, that when it was of importance that public faith should be maintained, this advantage could not be afforded without restrictions on commerce; and he need not say how that would again recoil on the prosperity of the Exchequer. Moreover, he thought that if they wished to maintain the Act of 1844 they should not have recourse to large demands upon the Bank of England. The right hon. Gentleman had expressed the hope that such an expression would not be ventured upon, because it would amount in reality to this—that at present we paid our obligations in real money, while before the Act of 1844 we created money *ad libitum*, without reference to gold. Before 1844, from the resumption of cash payment, there was no default on the part of the Bank in the payment of gold, nor did it need Government to change an Act of Parliament; but there was then such a discretion used in the matter of the public balances that, when any demand was made upon the Bank, and it was considered advisable to make an increased issue of notes, the security that those notes would come back within a comparatively short period satisfied the Bank that it was at liberty to make the issue. To that extent the Bank was at greater liberty to accommodate Government than it was now; and he thought that the policy which the Chancellor of the Exchequer had laid down as that which he proposed to follow in future, namely, to look to deficiency bills, to an extent more or less large, to meet the quarterly dividends, was, as a principle—for he allowed there might be exceptions—one which it would be dangerous and impolitic to adopt. The other point at issue was this—to what extent the Chancellor of the Exchequer might rely upon aid from the balances upon all the accounts. The right hon. Gentleman said that he did not want so many deficiency bills as some people supposed, but he wanted a very much smaller amount; but the whole difference arose from the different mode of stating the accounts. If the Chancellor of the Exchequer stated that when he had 5,000,000*l*. or 6,000,000*l*. to pay the dividends, he did not require to have more than 1,000,000*l*. or 2,000,000*l*. in the Bank, and if he scraped together all the balances upon the other accounts, that explained why he figured with so few deficiency bills in comparison with others; but the system was open to very serious objections. Of course it might be found legal to take the balance from any one particular account and to apply it to the purposes of another, or to apply the balances of ten separate accounts to the payment of the interest upon the national debt; but was it wise or prudent to do so. It was to be hoped, for the sake of the public credit, and for the regularity of our system of finance, that some such rule as the following should be laid down:—That if the Bank of England should be called on by Government to pay a sum towards the amount of dividends for a particular day, on that day Government would be prepared with the sum necessary to discharge the payment. This was a principle which he thought it important that the House should keep in view. He asked whether the principles laid down by the right hon. Gentleman—extraordinary as they were—were the principles that were to form the basis of our financial policy?

He had troubled the House at too great length with what related to the past. He would now say a few words with reference to the present position of the finances of the country. The right hon. Gentleman, on the 6th of March, said there were three ways of meeting the wants which he had stated to the House. One was by a system of loans; another was by indirect taxation; and a third was by direct taxation. He adopted the last—namely, direct taxation; and told them that, if the war lasted for any lengthened period, he might also have recourse to indirect taxation; and, strong as his feeling would be against loans, yet eventually he might be forced even into that course. He shared with the right hon. Gentleman, as he was sure the Committee would also do, in his wish not to increase our national debt. So far as he was concerned, he was prepared to say that it was a reproach of every Minister in this country that a sufficiently large balance had not been kept to meet extraordinary exigencies, and to apply to the gradual extinction of the debt. He held that the gradual extinction of the debt during peace ought to have been a most prominent feature in the financial policy of every Government in this country, not a work of fits and starts, but the establishment of such a surplus as would have really promoted that object, and aided the Minister in times of emergency. The right hon. Gentleman had the greatest reluctance to apply to loans; but the right hon. Gentleman had shown no great reluctance to increase the national debt, when doing so coincided with his own peculiar views. He had sanctioned it in the operation with regard to the savings banks, by which an increase of 1,247,000*l*. had been made to the debt of the country; and when he proposed his conversion scheme last year, was it not sufficiently plain that the effect of one of his options, at least, must be to add to the national debt of the country? He was not then so coy and chary upon the subject as he was now; and it was not from him, but from people out of doors as well as in that House, that the cry was heard, "You shall not increase the national debt." The right hon. Gentleman, however, selected direct taxation, and in that he was supported by the House. Now, his wants were greater, and again he came before the House. He was sure, however, they would agree with him that it would be in the highest degree impolitic to place the heavy charge of a war like the present on capital alone. The result would be to drive capital out of the country, and they must, therefore, have recourse also to indirect taxation. It was not for him either to censure or applaud the policy of Mr. Pitt, but the right hon. Gentleman had pointed to that policy, and told them to look at the imprudent course which Mr. Pitt had followed in raising by loans no less a sum than 180,000,000*l*. in six years for the purpose of carrying on the war. But did the right hon. Gentleman think that in the then state of the country it would have been possible to raise that money by direct taxation without making the war unpopular and defeating the objects of the Government? Did he think that now, if we had to raise 30,000,000*l*. or 40,000,000*l*. annually, it could be done by direct taxation? They must meet these wants; but it was idle to tell the country that they could permanently do without appeals to national credit, and it was impolitic to say that the national credit was not able to meet any calls that could be made upon it. But the right hon. Gentleman said he would not have recourse to a system of loans, and he had told them that the present plan of raising 6,000,000*l*.—of which 2,000,000*l*. had already been granted, so that 4,000,000*l*. remained to be disposed of—that this sum of 6,000,000*l*. was not a loan. Now, he (Mr. Baring) had always thought the great definition of a loan was "money lent, to be repaid or returned in some way or other;" and if the right hon. Gentleman borrowed money, whether for two or four or ten years, he held that it was an addition to the debt of the country, and to all intents and purposes a loan. The right hon. Gentleman said he borrowed it in anticipation of the incoming taxes; but why did he borrow for five or six years? If the scheme was like that of Exchequer bills, intended only to last till the six months' revenue came in, then a period might be fixed so far; but if they borrowed for four or six years, were they sure, just at the moment of entering into a war, that at the end of that four or six years, even if the war was not continued, the expenditure of their peace establishments would allow them to pay off this loan? It would be a loan to all intents and purposes, and would have to be repaid, for they would have no power of renewing it, the words of the Resolution which the right hon. Gentleman proposed laying it down distinctly that the different sums were to be paid off at the periods mentioned. Would the right hon. Gentleman tell them he was sure that in anticipating the revenue for four or six years the expenditure would come to such a point that he could pay off those sums? If he could not do this, did he not think it rash and dangerous to enforce upon any one who might then have to conduct the financial affairs of the country the payment of such sums as these? They all hoped that the right hon. Gentleman, if he continued to be Chancellor of the Exchequer during these four or six years, would find the means to meet these and all the other engagements of the country; but, though they hoped that either in his present office or in some other he might long remain in that House to be an ornament and a credit, and to devote his talents to the service of the country, yet it might be found that when these four or six years had passed by he would not be the Chancellor of the Exchequer who would be puzzled to pay this amount, and the unfortunate Chancellor of the Exchequer who was called on to do so might talk of the right hon. Gentleman as the right hon. Gentleman had very lately talked of Mr. Pitt. He might say, "He had great veneration for the name of the statesman who had imposed this duty on him; but he wished that he had not begun his war with these short *ad interim* bonds — that he was no doubt a great Chancellor of the Exchequer for little short loans which now embarrassed him so much. No doubt he was anxious to spare the burdens of the country, but he had, nevertheless, left behind him a very heavy load by making this loan, which, by the by, he said was no loan at all, though it obliged him to pay a large sum out of an empty Exchequer. Yet Mr. Gladstone was a great financier, for he made the House and the country believe that they were not borrowing at all, when at the same time he had borrowed 6,000,000*l*."

The right hon. Gentleman said we had already Exchequer bills. Yes; but Exchequer bills were issued to meet the demands of the money market with the knowledge of those who took them of what was their true character. But this was a new thing. These new bonds were not like Exchequer bills; they were positively a new invention, and just the very things the right hon. Gentleman said were wanted at the present moment. Now, what they wanted was money, and what they must have, he took it, was money. He very much regretted that that want had been created by the abstraction of the balances of the Exchequer, and the application of those balances to other purposes, which, if they had existed, would have saved at this moment the Chancellor of the Exchequer from the necessity of such a scheme as the present. The right hon. Gentleman said it was not unfortunate that they were so taken; he (Mr. Baring) thought it was calamitous that they were not in the Exchequer at the present moment. What he understood was, that the right hon. Gentleman wanted something like 3,500,000*l*. Taking his estimate of expenditure on the 6th of March, it was 56,189,000*l*., and the additional expenditure estimated on the 8th of May, 6,850,000*l*., made altogether a sum of 63,039,000*l*. The receipts, estimated on the 6th of March, were 56,656,000*l*.; and on the 8th of May 2,840,000*l*, making together 59,496,000*l*., thus leaving a deficiency of 3,543,000*l*. The House had already given 2,000,000*l*., which would leave 1,543,000*l*. to be provided for. Now, in any circumstances but those in which the right hon. Gentleman had unfortunately placed the Exchequer-bill market, that money might have been easily provided through the Exchequer-bill market, without increasing the permanent national debt. His objection to the Chancellor of the Exchequer's scheme was, first and above all, because he had told them that the principle which he carried out last year was the principle he intended to follow out in this, and which appeared to be destitute of prudence and of caution; and, in the next place, because he thought that, if they did borrow, they were plainly bound to borrow on the plan that would be most adapted to their purpose. If they took a loan, let it actually be a loan. [The CHANCELLOR of the EXCHEQUER: Hear, hear.] The right hon. Gentleman cheered that expression; then he understood him to call this 4,000,000*l*. a loan. The right hon. Gentleman had told them, first, that he would not make loans, and then he told them that this was not a loan. The right hon. Gentleman now said it was a loan; but then it was a loan with this great disadvantage—that he borrowed at 4 per cent, and yet was bound to pay at a certain time. In the Amendment which he proposed he said, "not under six years," because he had no wish to deprive the Government of any facilities that they might desire to have. He had fixed it for six years, but he should prefer it for six years at least, and that it should be payable afterwards at the option of the Government. Let it be to a time when they would have the windfall of 2,600,000*l.* terminable annuities as some resource to pay some portion, if not all. He presumed the right hon. Gentleman would not have proposed a loan in Exchequer bonds unless he felt confident that the operation would be successful. Had the right hon. Gentleman any proof of that? He opened his subscription, and got only 600,000*l.* to meet his wants; he reopened his subscription for another week, and got nearly the whole of the first 2,000,000*l.* subscribed for, but the deposits were not paid upon the whole portion of the amount subscribed. Now, there could be no doubt that the same or a much larger sum could have been obtained in the ordinary way, without half the difficulty and annoyance. The right hon. Gentleman said he had to combat great opposition—he had to struggle with the moneyed power of this country, and that the moneyed power, in his opinion, had been constantly anxious for war, to make colossal fortunes, as heroes were anxious for war, in order to distinguish themselves. He (Mr. Baring) thought it might be allowed that, at some periods of our history, the bankers and capitalists of the City of London had rendered some service to the State. The right hon. Gentleman, however, considered them as vampires, who fed upon the vitals of the country. Mr. Pitt, the right hon. Gentleman continued, was only called "heaven-born" in the City because he made loans; and the right hon. Gentleman might be heaven-born on the same conditions. Well, but had it never occurred to the right hon. Gentleman that if the epithet of "heaven-born," which seemed to be very extraordinary as coming from the Stock Exchange, really had its origin there, it might be because Mr. Pitt had always been successful, and, perhaps, the right hon. Gentleman could not claim the term in that sense.

It had been his (Mr. Baring's) lot to have some dealings with those connected with the moneyed powers of this country, and he did not believe them to be so bad, so powerful, nor yet so useless as the right hon. Gentleman said. He had tried to excite an odium against the colossal and (as he called them) the gigantic fortunes which they had made. With what a pleasure, then, must the right hon. Gentleman have doubled their income tax, and with what a pride and satisfaction must the country know that there were colossal fortunes which could meet our increased taxation and expenditure! But these moneyed men were not so powerful as the right hon. Gentleman thought. They did but reflect public opinion; they were but the middle men who dealt between those who had large and those who had small dealings and wants; they were but the representatives of public opinion; and the reason why the right hon. Gentleman found they had not aided him was really because he had not given them anything which anybody wanted to buy. The right hon. Gentleman said, "I am afraid to make their fortunes by the financial operations of the Government." Why, those who had dissented from the right hon. Gentleman's plans were the men who had made their fortunes—those who had taken his money without taking his stock. "It is very strange," said the right hon. Gentleman, "that I can't get the moneyed men to act with me, because I give them what I think right in this matter." But what the right hon. Gentleman thought right these moneyed men did not. He thought, no doubt, that everything ought to have been as he wished it to be; and he (Mr. Baring) wished it had been so. But the right hon. Gentleman must recollect that public opinion was not to be forced, that forced operations were seldom successful, and, although he might say that all he did was for the best, yet the public dealers in stocks might take a different view of the subject, and might say, "You have not done exactly what you ought to do." "But," said the right hon. Gentleman, "I have done all I can do, and the matter is now in the hands of the House of Commons. The First Lord of the Treasury and the Chancellor of the Exchequer are very weak with the moneyed power, but if the House of Commons will pass a Resolution on the subject they must prevail." Well, he (Mr. Baring) had a great respect for the power of the House of Commons, and knew its authority was almost supreme and omnipotent; but there was one thing the House of Commons could not do, and that was—make a man buy what he did not want, invest his money in what he did not like, and feel confidence where distrust had been engendered. He asked the Committee now to adopt his Amendment, for this reason—that he wanted the Government to speak plainly out what they wanted this power for, and to what extent they intended to exercise it. Was it to restore their balances in the Exchequer which they lost only last year, and which they said ought never to exist? Was it that they had under-estimated the expenses of the war? Let the Government tell the House at once what they wanted for the expenses of the war, and they had seen with what readiness the House would grant their wishes.

He was told that this was a vote of want of confidence. Why, in this way, anything might be distorted into a vote of want of confidence. The slightest censure, a mere hint, the faintest expression of apprehension for the future—all this might be taken to be a vote of want of confidence. But we had seen the most powerful Government beaten upon a Budget, and not consider it a vote of want of confidence. He believed it was under Lord Liverpool's Administration that the income tax was repealed against the opinion and wishes of the Government, and 13,000,000*l.* were taken from the Ways and Means at the disposal of the Government. This was done, and yet the Government of Lord Liverpool went on; they did not look upon the vote as a vote of want of confidence. Later still, we had seen, under the Administration of the noble Lord (Lord J. Russell), two or three Budgets brought forward and taken back again. Yet this was not looked upon as a vote of want of confidence. He had voted for the taxes which had been proposed, not because there might not be very fair objections taken to them, but because he wished not to throw impediments in the way of the Government with regard to taxation; but his vote now was a want of confidence in the schemes which had been failures. It was a vote of want of confidence in measures which had been made abortive by the abortive manner in which they had been put forth. It was a vote of want of confidence in the idea that in four or six years they would be able to pay off this stock. It was a vote by which he called upon the Government to say what they really wanted. If they wanted a loan, let them have a loan, but on their own responsibility. If they wanted taxes, let them come boldly forward and propose taxes. But don't let them go on irritating the public credit, irritating the feeling out of doors, by these constant marring, meddling changes—these plans which excited distrust and got them so little money. The Government must not think they could play this game like any other game, and as one in which, when they had made a bad move, they could take it back and play it again. Financial mistakes were national misfortunes. Financial failures were great calamities, and a series of failures was fraught with danger to the credit of this country. It was a great power to possess this credit. The Government had called upon the energies of the people, had heavily taxed the resources of the country, and the people had responded to their call; but within their reach was a still more powerful arm—that of the national credit. This arm had achieved and could still achieve wonders; but while it was powerful, it was at the same time most sensitive. Under the guidance of a careful, a judicious, a prudent, an experienced hand, it could defy, uncrushed and uninjured, the heaviest assaults which could be made against it; but beneath the touch of a meddling, fidgetting, irritating pressure, it might shrink into impotence and close itself against its employment for purposes of national utility. He called on them, then, not to create loans, but he called on them to avoid this constant tampering with their balances—this constant attempt to do something new, something novel, something strange. It was with those feelings, and because he wished for himself to enter his protest against the continuance of this system, that he ventured to move as an Amendment the Resolution of which he had given notice.

Amendment proposed, to leave out from the word "That" to the end of the proposed Resolution, in order to add the words "it is not at present expedient to authorise any further issue of Exchequer Bonds, with the engagement of repayment within the next six years."

Mr. J. WILSON said, he was at a loss to conceive what connection the hon. Gentleman who had moved the Amendment could find between the operations of last year and those now before the Committee. The hon. Member for Huntingdon had commented upon the state of the balances in the Bank, and upon what he termed the peculiar management of those balances; and, with the permission of the Committee, he (Mr. Wilson) would call their attention to the state of those balances at three particular periods—first, when they appeared upon the face of the account to be equal to the expenditure of the quarter; again, when they appeared to leave a considerable surplus; and, thirdly, when there appeared to be a considerable deficiency. In the month of October, 1850, there appeared upon the face of the accounts a surplus of 1,200,000*l.* Now, although there appeared only this surplus, yet during the whole of that quarter, between the 11th of October and the following January, the minimum balance in the hands of the Bank for any one day was no less than 6,255,000*l.*; so that, though the apparent surplus was only 1,200,000*l.*, the actual amount of cash in the Bank was 6,255,000*l.* No hon. gentleman would, he thought, consider that the Chancellor of the Exchequer was justified in allowing so large a sum, for which the public had no use, to remain idle in the hands of the Bank. Well, then, he came to the period when the expenditure might be considered as about equal to the receipts. On the 10th of October, 1852, there was a surplus in the Bank of only 16,000*l.* on the face of the account; yet, from the manner in which these accounts were kept, the minimum balance on any one day in that quarter in the Bank was 4,449,000*l.* The next period he would select was the 5th of January, 1854, when there appeared a deficiency of no less than 3,711,000*l.* Now, the minimum balance in the hands of the Bank, and in favour of the public, notwithstanding that apparent large deficiency, was no less than 1,483,000*l.* after deducting the amount of deficiency bills due on that day. The position in which the Chancellor of the Exchequer found the account in the Bank of England was that of the second period. At the commencement of last year the amount of money apparently on the face of the account was equal to the demands of the public, leaving neither deficiency nor excess; yet it was certain that the minimum balance of that quarter on any one day exceeded 4,000,000*l.* The right hon. Gentleman the Chancellor of the Exchequer was perfectly justified in not allowing a high rate of interest on the unfunded debt while those large balances were lying unemployed in the Bank of England, and he reduced that interest.

He was quite ready to admit that, in reducing the interest from 1¼*d.* to 1*d.* a day on the March bills, his right hon. Friend had two objects in view: he contemplated the possibility of making a considerable reduction of the unfunded debt, because he considered persons might not be willing to renew at that reduced interest, and he had the satisfaction of knowing there must be a considerable amount of saving in the amount of interest between 1¼*d.* and 1*d.* a day. The hon. Gentleman (Mr. T. Baring) enlarged on the advantages of Exchequer bills for the investment of sums on which temporary interest was required. He quite admitted their great conveniences to the commercial public, but he put it to the hon. Gentleman whether Exchequer bills, kept in circulation at a premium of 80*s.*, as they were a short time before, or of 60*s.*, as they were at the moment of the reduction of interest, could be treated as safe security for investment? A person had much better run the risk of a fall of Consols, which were not so fluctuating as the premium of Exchequer bills, than pay a premium on Exchequer bills larger than the interest, which for a whole year he would receive. To render Exchequer bills useful for the purposes on which the hon. Member had laid so much stress, they must be kept by a graduated interest at a moderate premium, if not at par, because it was obvious if the public received an interest of 2¼ per cent, whilst the premium on Exchequer bills was 60*s.*, or 3 per cent, they paid a larger premium than the whole year's interest, and had to run the risk of a fall. He thought the Chancellor of the Exchequer would not have shown himself a vigilant guardian of the public interest had he been willing to renew the public debt at such a rate as would have afforded a premium of that nature in the market, and that with the large balances at his command — much larger than the public were aware of until it became the subject of investigation—he was bound in duty to endeavour to obtain for the public the best terms he could. The hon. Member for Huntingdon had argued as if the reduction of the rate of interest on Exchequer bills and the conversion of the South Sea Stocks were part and parcel of the same proposition. They were as distinct as two operations could be, not only distinct in their nature, but in their results; for as to one it perfectly succeeded, but as to the other, his right hon. Friend never attempted to say it succeeded. His right hon. Friend had never denied that the conversion scheme was a failure. Night after night he had acknowledged that defect; yet night after night hon. and right hon. Gentlemen opposite got up and repeated the same charges, as if the Chancellor of the Exchequer had plumed himself on his great success. He acknowledged that the success of the Exchequer bills was destroyed by the failure of the conversion scheme, but, so far as the operation of the Exchequer bills stood alone, it was a perfect success. The objects were to reduce the rate of interest and to diminish the amount of the Exchequer bills. In both they succeeded. They succeeded in reducing the rate of interest to the lowest rate which had been known for the last half century, and in diminishing the amount of the unfunded debt by 3,000,000*l.* That amount of reduction was perfectly convenient for the management of the finances of the country, and not at all exceeding the amount his right hon. Friend had anticipated; but it did so happen, for reasons which had been discussed at great length, the conversion scheme did not succeed, and being obliged to pay money in the month of January instead of giving new stock, they lost all the advantage of the Exchequer bill operation, and were compelled to reissue the 3,000,000*l.* of Exchequer bills. If, however, they failed to reduce the unfunded debt, they did reduce the funded debt; and taking the whole amount of funded and unfunded debt, they did succeed in reducing the whole debt of the country. Now, the whole amount of debt which by the Government operations had been reduced was no less than 11,375,000*l.* and the saving of interest upon that amount of debt was 256,000*l.* per annum. But then the hon. Gentleman said, "You have deprived yourself by that means of the opportunity of applying the excess of income over expenditure, the surplus standing over from one quarter to another, in the extinction of debt under the Sinking Fund Act." Well, the whole amount of debt which could have been reduced by such an employment of our surplus was under 3,000,000*l.* a year, and therefore, supposing the Government had adopted the plan of the hon. Gentleman, they would have reduced the debt by 3,000,000*l.* whereas, following out their own plans, they had reduced it by 11,375,000*l.* But then, said the hon. Gentleman, the operation might have been effected on better terms, and that was the only point in which he could agree with the hon. Gentleman. It was quite true that if the Chancellor of the Exchequer had had this surplus from quarter to quarter to apply in the ordinary way, by going into the market and buying stock, he would to that extent have been able to purchase stock at a lower rate than he had done; but still that would have been only to the amount of 3,000,000*l.*, whereas the measures which the Government had adopted had operated to the amount of 11,375,000*l.*; and the Chancellor of the Exchequer, in stating the sum total of the advantages which the country had gained by the measures of last year, had debited himself with no less a sum than 152,000*l.* for the loss sustained in not being able to go into the market with this advantage; and therefore the observation of the hon. Gentleman, that they had made a gain of a loss, did not avail him so far as regarded the sum total of the advantages which the Government claimed for the measures which they had not taken.

Whether his right hon. Friend ought to have foreseen that which was beyond the power of other persons to see—whether in the month of March he ought to have foreseen the bad harvest, the war, and other contingencies which afterwards arose —had been the subject of so much discussion in that House, that he considered it would be a waste of time to do more than refer to it. [Mr. BARING: Hear, hear!] The hon. Gentleman cheered; then he would say this much. The merchants of the City of London were invariably the first to anticipate events which affected their interest. It did them great credit, and was the main cause of their success. He held in his hand an account of the amount of bills discounted by one establishment in each month of last year. In April the Bank rate of interest was 3 per cent, and in one single concern if the interest had continued for the year, the discount on bills would have been 125,000*l.*, but the sum charged was 288,000*l.*, and the difference of 163,000*l.* was paid by the private merchants for the money they required, and for want of foresight of events which nobody could foresee. They, like the Chancellor of the Exchequer, were the creatures of circumstances, and must bow to events which affected the value of money, and therefore that the proposal of his right hon. Friend in April should not be successful in July—when the Bank interest was 5 per cent, when it was certain there would be a bad harvest, and large importations of grain would be required from abroad—was the common fate of everybody who had money transactions in this country; and if hon. Members opposite could discover these things beforehand, nobody would be more obliged to them than the merchants who had to govern their transactions by anticipating events to the best of their power. The hon. Gentleman had enlarged very much on the extravagant rate the Government had been obliged to pay on Exchequer bills in the latter end of the year, in consequence of the reduction of interest in the early part of the year. He believed any one who examined the relative rates of interest paid on Exchequer bills and the minimum rate of interest charged by the Bank of England, would be satisfied that 2*d.* a day towards the end of the year was not too high a rate, especially as it had become necessary to reissue the 3,000,000*l.* of Exchequer bills, and no one knew better than the hon. Gentleman that an increase in the amount of floating debt must increase the rate of interest on that debt. The hon. Gentleman enlarged on the improvidence and almost the impropriety of applying the savings bank money for the purchase of Exchequer bills. The Government was bound to pay the depositors interest for that money, and the Chancellor of the Exchequer, as the manager of the financial affairs of the Government, was bound to apply it so as to obtain the greatest amount of interest for the public. They could not raise the interest on a portion of the Exchequer bills. They must raise it on the whole amount; and supposing that in the month of August there was a tendency to fall to a discount, it would have been a most improvident course, by raising the rate of interest in the month of August, to have paid the increased rate for the whole 17,000,000*l.* His right hon. Friend thought it the more prudent course, the more provident and economical arrangement, having this savings bank money, and the right to use it, to use it so as to yield the greatest profit. He thought it more profitable to take a few Exchequer bills out of the market, and prevent the rise in the rate of interest until a subsequent period. By that means the rise in the rate of interest on Exchequer bills was postponed from August to October, and no doubt a great saving effected to the public.

The hon. Gentleman had also enlarged very much on the mode of keeping the balances in the Bank of England. He was the last person in the world to say that the Bank of England was not entitled to be treated with every due attention to its interests by the Government. At the same time, the Government were entitled to equal consideration from the Bank, and he believed no Chancellor of the Exchequer who had had anything to do with the Bank could complain—he was sure recently there had been no ground of complaint—of the manner in which he was treated by the Bank. There were questions on which differences of opinion might arise between the Government and the Bank of England, and they asked that they might be discussed without supposing antagonism in principles or any disposition not to be on the best and most friendly terms. It was quite true that the Bank of England had had very large advantages, which were almost of a concealed character, because no account of them was exhibited. The Bank, under an Act of Parliament, received a large allowance for the conduct of the public debt. It was a matter of agreement between the Government of the day and the Bank, at the time the Bank Charter Act was renewed, and the amount settled was one which the most eminent men believed to be fair. If these matters were raised incidentally, the public should be aware of the advantages, direct or indirect, open or concealed, which the Bank enjoyed for the management of the public debt. According to the Act of 1844, and the correspondence between the Government of that day and the Bank directors, the profit of the circulation which was guaranteed on the Bank upon securities—that was on 14,000,000*l.*—was 420,000*l.*; from this there was to be deducted for the expenses 113,000*l.*, and for allowances made to the country banks 24,000*l.*—in all, 137,000*l.* to be deducted, leaving a net profit to the Bank of 283,000*l.* a year. The Bank had formerly agreed to pay to the public for this privilege 120,000*l.*; they proposed in 1844 to continue that payment, and the proposition was accepted by the Government of the day. They had also proposed to pay in lieu of stamps 60,000*l.*, thus making a sum of 180,000*l.*, which they had to pay to the public out of 283,000*l.* of profit which they received, so far as regarded the circulation. The sum paid to the Bank for the management of the debt was 250,000*l.*, but, as they had to pay 180,000*l.* to the public out of the profits of the circulation, that left an admitted payment of 70,000*l.* to the Bank, so that, on the whole, there was an admitted net profit of the circulation of 103,000*l.*, an admitted payment of 70,000*l.* for the management of the debt and a set-off of 180,000*l.* due to the public, making a total admitted profit to the Bank of 353,000*l*. This was entirely independent of the balances in the hands of the Bank, and also of the advantages derived from the bullion and the issue of notes above 14,000,000*l*.; for though the principle of remuneration had always been to take the interest on the 14,000,000*l*. of securities, from which notes were issued, the Bank had also a right to issue notes to any amount coinciding with the balance in their hands. This, it might be said, was only making use of their deposits; but he would ask what deposits? They were the deposits which the Bank received, simply because it possessed the monopoly of issuing notes over a given fixed amount, and, therefore, was the only institution in which gold could be lodged and bank-notes demanded at a given rate in exchange. Although, therefore, the circulation beyond 14,000,000*l*. might be claimed by the Bank as an advantage arising from the deposit of bullion with them—not necessarily connected with the circulation, but which might have been deposited with them under any circumstances—yet there could be no doubt whatever, and he did not think it would be denied, that the monopoly given them by the Bank Act was the reason why so large an amount of business was transacted by them.

He would not wish to have it understood that he was complaining of the terms which the Government had made with the Bank of England. He did not think that this was the proper time to do so; and if the hon. Member (Mr. Baring) had not alluded to the question, the last thing that he should have done would have been to have alluded to it at all, because the terms were now fixed by Act of Parliament, and the Government had the power, on giving notice, to take steps to determine the arrangement. If the Government did not give notice, he did not think it was a question which it was necessary, on the part of the Government, to go into a discussion of in that House. He did not think, however, that he ought to have permitted the observations of the hon. Member to pass without some reply, and without pointing out the numerous advantages to the Bank which its connection with the Government secured to it. But now with respect to the balances, for the advantages which he had already referred to were altogether irrespective of those which the Bank enjoyed as the depository of the Government balances. Now, if they were to look at the balances at all, he thought they were justified in looking at their aggregate amount. A private gentleman might have, for the sake of convenience, five or six different accounts with his banker. He might have one for his own particular drawings—one for his agent—one for a particular estate—and another for another estate; but surely a private gentleman so situated, speaking of the state of his account with his bankers, would do so with reference to the aggregate of his balances, and not with reference to the balance upon this or that particular account. He might have a balance of 100,000*l*. upon the whole of the accounts, and yet upon that which was appropriated to his own private and particular drawing he might have nothing, or less than nothing. Surely no banker would have the hardihood to say—and no gentleman would think himself well used if it were said—that his account was overdrawn, although it might be literally true with respect to one particular account, while he might have a balance of 90,000*l*. or 100,000*l*. upon four or five others. Now, the Government had, for the sake of convenience, no fewer than sixty-nine accounts—including an Exchequer account—with the Bank of England. No doubt, if the question were raised, whether they were entitled to scrape together all their balances on a particular day, in order to pay the dividends, the answer must be that that was a thing which was never done, and which nobody had ever proposed. But what he contended was this, that although, for the sake of convenience, they kept these several accounts, yet if on a particular day they required an advance from the Bank, and the Bank or the public complained, the Government had a right to remind them that there were standing to the credit of the Government upon the whole of these accounts sums amounting in the aggregate to 3,000,000*l*. or 4,000,000*l*. A more flagrant fallacy was never attempted upon the public than that which was involved in the argument that they were injuring the public by drawing on the independent resources of the Bank, and so limiting its means of giving accommodation to commerce. Supposing, he would ask, that the Government account were withdrawn from the Bank of England, how would it then stand in its capacity to afford general accommodation to the trading public? If it had not the public account, the Bank would have to depend on its own resources, and both the Bank and the commercial public would be deprived of the additional powers which must be derived from the holding of the various large balances, amounting in some cases, as he had shown—though there was an apparent deficiency on the face of the account—to 2,000,000*l.* or 3,000,000*l.* sterling.

After discussing these preliminary questions, the hon. Gentleman came at length, as he said, to the real question before the Committee. He had already stated that he did not exactly understand how the hon. Member had connected the one with the other, but as he had adopted that course, he had felt himself bound, in some degree, to follow the statement which he had made. The question, as he understood it, which was before the Committee and the country —and it was a question of great importance, at the outset of what might probably be a long and arduous war—was this:—Should they pay the expenses of that war from means raised within the year, or rely in some shape or other upon loans for the purpose of defraying these expenses? To the public mind, to the public press, certainly to the City of London, and to a very great extent to that House, he really believed that this presented itself as the real question which was at the bottom of all these discussions—would they make an effort to defray the expenses of this war, be they what they might, from the annual income of the country—or would they, as in past times, resort to loans for that purpose? In alluding to that question, the hon. Gentleman had alluded to the experience of Mr. Pitt, and had somewhat unnecessarily stated that Mr. Pitt never made any failures. Without entering into that question, he maintained that, as the successors of Mr. Pitt, the Government of the present day were bound to read his history and to take warnings by whatever failures he had made—failures which, he believed, were due more to the circumstances of the times than to the Minister, and to act on what really was the result of the experience of Mr. Pitt, which he himself was the first to acknowledge, and to put in force as far as he could. The hon. Gentleman seemed to think that Mr. Pitt and those who conducted the last war were placed under the absolute necessity of conducting it by loans, but he (Mr. Wilson) believed that there never was a greater mistake, that there never was a greater fallacy, and that it would not be difficult to show that, had Mr. Pitt started with the same information that we had now, that had he had another Mr. Pitt with his experiences some fifty years before him, he might have conducted the war without increasing the debt which he found in 1793. The Financial Committee, over which Sir Henry Parnell presided, investigated this subject at great length. From the facts laid before that Committee, it appeared that while the public debt in 1793 was 244,440,000*l.*, in 1817 it had risen to 848,282,000*l.*, giving an increase of 603,842,000*l.* This, too, was exclusive of the Sinking Fund. The charge upon the debt, in 1793, was 9,624,000*l.*; in 1817 it had risen to 32,453,000*l.*, an increase of 22,829,000*l.*—sufficient, as had been remarked, to bear the cost of the greatest war in which England had ever been engaged. The mistake which Mr. Pitt made was in making a wrong start. In the first seven years of the war, Mr. Pitt borrowed 110,000,000*l.*, on which the annual interest amounted to 5,500,000*l.*, and the Committee discovered that, if in 1793 he had raised the taxation to the amount at which it stood in 1799, he would never have had occasion to increase the debt. In 1793, the net amount paid into the Exchequer for taxes was 15,000,000*l.*, and in 1799 it was 35,000,000*l.*, the increase during those years having been equal to 20,000,000*l.* Had Mr. Pitt induced the public to submit in 1793 to the same increased taxation which he persuaded them to accept in 1799, he need not have borrowed a single farthing, except for the purpose of making temporary provision by Exchequer bills until the taxes should have come in. That was a great lesson for the country, and it showed how by submitting to a small amount of taxation an avalanche of debt would be saved.

The Committee to which he had already referred instituted a very important investigation into a point of considerable interest. They wished to arrive at this fact—what additional amount of taxation per annum from 1793 to 1817 would have saved the country from any increase in the national debt. The return made by the Treasury showed in one column the amount of interest upon the debt as it stood in 1793, the whole amount of expenditure, including the war, and for all purposes, except the charge on the national debt, and then the net amount of taxes paid into the Exchequer each year. It appeared from that return that from

1793 to 1817 the amount of the interest chargeable upon the national debt, had it remained the same as in 1793, would have been 9,500,000*l*. a year, or 235,446,000*l*. altogether; but the actural expenditure for all purposes, except the debt, had been 1,059,658,211*l*., making a gross charge upon the two items of 1,295,104,211*l*. The net taxes paid into the Exchequer during that period amounted to 1,143,777,928*l*., leaving a deficiency of 151,326,283*l*. spread over twenty-four years, or a deficiency only of 6,000,000*l*. a year. Consequently, an average increased taxation of 6,000,000*l*. a year would have saved the country the whole of the enormous debt which had been incurred. What, then, was the result? Instead of the 150,000,000*l*. of which there was a deficiency, the property of the country was mortgaged for 603,842,000*l*., leaving an excess of 452,515,717*l*. over and above the actual expenditure, from the peculiar mode in which the war expenditure had been carried on. It must not be supposed that the sum of 452,000,000*l*. was paid into the Exchequer, but it was 452,000,000*l*. of stock created, which the country could not get rid of without paying off every shilling, and upon which interest was now paid. The result then was that, during the period referred to, 452,000,000*l*. of national debt was incurred for which the country had never received one single farthing of benefit. If hon. Gentlemen would refer to the proceedings of Sir Henry Parnell's Committee, they would find that this enormous amount of debt bore a charge at the close of the war, in the shape of interest, of 17,450,000*l*. Without that interest the national debt at the present moment would be considerably under 10,000,000*l*. a year. The additional burden which had been thus thrown upon the country would not only have been sufficient to have laid double the amount of the railroads existing in the kingdom, but it would have liquidated the whole of the public debt as it stood at the commencement of the war in 1793, and have made all the existing railways into the bargain. But the Committee went further, and Sir Henry Parnell made another calculation. He said—

> "Mr. Pitt made a great blunder at the commencement of the war; he discovered his error in 1798, and he made a noble effort to retrieve it. Though at first he failed, he was not daunted by the want of success; but, trying again, he was very successful ultimately."

So successful was he that, taking the period of the war from 1803 to its conclusion, in 1816, he was enabled by the measures of which he laid the foundation in 1798 and 1799, to keep the expenditure at such a rate as to leave the deficiency between the net income of the country and its total expenditure at 23,000,000*l*., or at the rate of only 1,800,000*l*. per annum. These statements showed the policy of pursuing that course, which he (Mr. Wilson) had not the slightest hesitation in believing Mr. Pitt would have followed had another war been entered into—namely, that of raising by increased taxation, as long as possible, the whole cost of the war.

He would now direct the attention of the House to the enormous rate at which the country had paid for the means of carrying on the war. The whole amount of the debt contracted from 1794 to 1817, including the sums raised for the Sinking Fund, was 879,289,000*l*., of which the sum paid into the Exchequer amounted to 584,874,000*l*., so that stocks were created to the amount of 294,415,000*l*., and if to that was added the interest which was allowed on prompt payments, together with the discount allowed in a variety of ways, it might safely be said that, at the very lowest estimate, a debt had been created exceeding by more than 300,000,000*l*. sterling the money paid into the Exchequer. The rate at which the money was procured was only 66*l*. 8*s*. 9*d*. for every 100*l*. of stock created, independent of heavy payments for discounts and commissions. His hon. Friend (Mr. Baring) said, Government came down to the House and told the country they were determined to carry on the war on the mere enlightened principle of paying the expenditure during each year, and then the first proposal they made was for a loan. Now, in the general acceptation of the word "loan," he could not agree that a proposal to anticipate the ordinary receipts was a loan. If it were to be found that Exchequer bonds could be disposed of upon the most favourable terms, then no doubt the public interest would be attended to, and they would be issued; but if, on the other hand, circumstances proved more favourable to the issue of Exchequer bills, in all probability recourse would be had to Exchequer bills. He thought it right, however, that the discretion of issuing either Exchequer bonds or Exchequer bills should be left in the hands of his right hon. Friend the Chancellor of the Exchequer. His hon. Friend (Mr. Baring) said that, if Government undertook to pay off Exchequer bonds at a given date, it would be different from Exchequer bills. Now, the terms of an Exchequer bond were precisely the same as those of an Exchequer bill: an undertaking was given in the case of an Exchequer bill to pay it off twelve months after date, and it was always understood that if parties wished to effect an exchange, and were willing to accept the terms which Government would give, they could do so. His hon. Friend knew very well that the understanding at market was, that if the holder was willing to exchange on the terms offered by Government, it would be unusual for Government to refuse. Why an undertaking to pay Exchequer bonds at a period of three, four, or five years should be an operation involving a greater amount of liability upon Government than an undertaking to pay Exchequer bills, or how one could be a loan any more than the other, he was at a loss to understand. On the contrary, he believed that Exchequer bonds would be renewed with as great facility as Exchequer bills, inasmuch as, from the nature and character of the security, they were likely to become matters of investment for certain classes of persons, and he believed the holders would be only too glad to renew them on fair terms. Rather than have recourse to anything like loans in the ordinary acceptation of the term, he held that what the Government ought to do was to act like every private individual—namely, to borrow money when money was required upon the best tems, to pay the interest necessary at the time it became due, and always to leave themselves in a position to pay off the debt whenever they found it advantageous to do so. He believed it to be a wise policy to run any risk to pay the interest rather than tie themselves up by incurring a debt extending over an indefinite period. If the country wanted 100*l.* let Government borrow 100*l.*, pay a certain rate of interest upon it, and, when they had done that, renew the bill if they required it renewed, or, if not, pay it off. He knew there was an impression abroad that Government could not borrow money on Exchequer bonds; that the country must pay an extravagant rate of interest or borrow on a nominal amount of stock. In 1815 a loan of 36,000,000*l.* was contracted, for which 174*l.* three per cents and 10*l.* four per cents were given for every 100*l.* of stock, and in the same year Exchequer bills were funded at 117*l.*, or 5*l.* 17*s.* per cent, being only 4*s.* 8*d.* more than the loan taken at 184*l.* of stock for 100*l.* in money. In the case of the loan 5*l.* 12*s.* 4*d.* per cent was paid for each 100*l.*, and an enormous amount of debt was created; but surely it was far better to pay the difference in the amount of interest than to create this enormous amount of nominal debt and leave so heavy a stone hanging upon the neck of the country as an encumbrance to this day. There were many proofs that by paying a moderate amount of interest any amount of money that might be required could be borrowed, and the entire control of the debt left in the hands of the Government, though he acknowledged that a great preference was given to the borrowing of money at an indefinite period. His hon. Friend (Mr. Baring) had referred to the feeling of gentlemen in the City with regard to the proposals of Government. He (Mr. Wilson) was not entitled to speak with much authority upon Stock Exchange matters, but it was his duty to watch the exchange with a considerable degree of vigilance, and he must say the operations which had taken place in the City for some months past had been such as fully warranted the observations made by his right hon. Friend the Chancellor of the Exchequer on a former evening, by the press, and by other persons since, that there had been among certain classes a strong effort to depress the financial operations of the Government. He did not wish to bring a charge against any one, but he must say that there were individuals and classes whose interest it was to depress the price of the public funds, and he believed it was pretty well known that there had been a large amount of speculation for that purpose going on. Government had been asked why, if they were going to raise the amount of the expenditure requisite for the war by taxes collected within each year, they now asked for power to issue 4,000,000*l.* or 5,000,000*l.* Exchequer bonds? [Mr. DISRAELI: 6,000,000*l.*] The present Motion had reference to 4,000,000*l.* only, and it must be remembered that new taxes were a long time coming in. If there was one thing more than another which led to the improvident proceedings of the last war, it was the want of money in hand. One mode in which it operated most disadvantageously was in placing Government under the necessity of making its contracts on long dated credits, in limiting the amount of competition, and in causing the contracts to be taken at very extravagant prices. They would effect a greater saving by enabling the Government to pay ready money for what they required than by any other means; but, of course, if the taxation should be ultimately sufficient to meet the expenditure, the money would only be used in anticipation of the taxes coming in. Sir Henry Parnell, in his work, had recommended, as important measures to be taken in the event of any future war a great reduction of the unfunded debt, leaving the Government a large margin for its operation; secondly, an income tax capable of considerable extension; and, thirdly, that there should be large balances at the disposal of the Government. These were the grounds upon which the proposal to-night was laid for power to issue either 4,000,000*l.* of Exchequer bills or 4,000,000*l.* of Exchequer bonds, as circumstances might require. Power was also asked for similar to that which had been given with regard to the 2,000,000*l.* of Exchequer bonds already issued—namely, to exchange them for Exchequer bills, and so to reduce the amount of the unfunded debt. He hoped that House would set its face against loans of that permanent kind, based upon nominal capitals, which he had endeavoured to describe; he hoped, also, that there would be money enough placed in the hands of the Government to meet the ordinary current expenses which were necessarily attendant on war, without resorting to a system of long credits; and he hoped there would be no tampering with the currency. He did not altogether agree with the observations of the hon. Gentleman on the subject of the Bank Charter of 1844. If there was one principle more fully established than another, it was this—that no advance which a banker could make in notes would it be improvident to make in gold, and that he would not be justified in making an advance in notes which he would not be justified in making in gold so long as the notes were convertible. Mr. Gurney and others admitted that the Bank Act of 1844 made no difference in the power of a banker to take notes up. The circulation of the country was determined by principles which no banker could control. No man would keep more money in his possession than he required for practical purposes, and if a banker issued more notes than were necessary, they would be returned in a short period, and he would be obliged to find gold for them. The Committee had before it the experience of the last war—an experience which showed not only the errors which had been committed, but the successful measures which were adopted; and if there was one thing more than another to which the country could look with pleasure, it was at the improvements which had taken place both in our military and naval service during the forty years in which England had been at peace. The Resolution before the Committee, and the Amendment of the hon. Gentleman, involved the whole question of enabling the Government to lay the foundation of a system of finance which he believed would be so beneficial in the conduct of a great war.

Mr. MALINS said, if he had consulted his own convenience he should have refrained from addressing the Committee after the able and lucid speech of his hon. Friend the Member for Huntingdon (Mr. Baring); but having on a former occasion been accused by the Chancellor of the Exchequer of a misapprehension of the principles by which the right hon. Gentleman was actuated, he felt it due to himself to show that he was not so entirely mistaken as the right hon. Gentleman had supposed. But, before doing so, he wished to make a few remarks in reply to the observations of the hon. Gentleman who had just sat down. In the spring of 1853, there being a considerable balance in the Exchequer, and the interest of money being low, the Chancellor of the Exchequer became desirous of reducing the interest of the unfunded debt, and took that step which had been the subject of so much discussion—namely, the reduction of Exchequer bills from five farthings to a penny per day. It was admitted that great inconvenience had arisen from the adoption of that scheme, and that it had become necessary to pay off no less than 3,000,000*l.* of debt; and although it was said it might have been successful if it had not been combined with the South Sea Annuities, there could be no doubt the two schemes together had produced much inconvenience. There was not only a difficulty in reconciling the recent speeches of individual Members opposite with their speeches on former occasions, but it was very difficult to reconcile the speech of one Member of the Government with the speeches of other Members of the Government. Only a fortnight ago the Chancellor of the Exchequer said that he would not contract a loan—that although he proposed to raise 6,000,000*l.* by Exchequer bonds, it was not a loan. The hon. Gentleman who last addressed the Committee admitted it to be a loan, differing very little in substance from the issuing of Exchequer bills. On the 6th of March the Chancellor of the Exchequer admitted that his scheme had been a failure—that it was an abortive scheme—and the right hon. Gentleman had so frequently made that admission, that he (Mr. Malins) had been inclined to regard the question as one which had gone by. But in his speech a fortnight ago the right hon. Gentleman did not admit that his scheme had resulted in a pecuniary loss; and certainly, of all the bold assertions made by the right hon. Gentleman, the assertion which he made on that occasion was the boldest and most unfounded. Now, what had been the course taken by the right hon. Gentleman? On the 8th of April last year, he made a proposal to reduce some small stocks, amounting to between 9,000,000*l.* and 10,000,000*l.* And what was his justification at that time? A fortnight ago the right hon. Gentleman said that on the 7th of April Consols were at 100½, and he took credit to himself that they actually rose ⅜ths after the scheme had been propounded. The interest of money then, as stated by the hon. Member opposite (Mr. Wilson) was 3 per cent. The right hon. Gentleman also drew the attention of the Committee to the amount of gold in the Bank of England, stating that on the 10th July, 1853, the amount was 21,878,000*l.*; that in January it was 19,170,000*l.*; and that on the 9th of April it was 18,816,000*l.* Now the three per cents, in November, 1853, were at 101 and a fraction, and the right hon. Gentleman took credit to himself that the gold in the Bank of England had risen from 17,652,000*l.* in February, to 18,816,000*l.* in April. Consols were then 1 per cent lower than in the previous November. Now he would ask the Committee if that was a state of things which justified the Chancellor of the Exchequer in proposing to pay off 10,000,000*l.* of debt at par, when Consols were only ½ per cent above par, to say nothing of the prospect of a war? There were indications in the state of the money market which showed that a more improvident act could not have been committed than the payment of that 10,000,000*l.* at par. Now, although he (Mr. Malins) did not on the 8th of April, 1853, express an opinion as to the failure of the right hon. Gentleman's scheme, he fully concurred in opinion with those hon. Members who expressed that conviction, and he stated on a former occasion the grounds on which he had formed that opinion, and also said that, having been applied to by some persons for advice, he recommended them rather to take the money than the new funds offered by the right hon. Gentleman; and for this reason—that the right hon. Gentleman, in the very speech in which he proposed to pay off that debt at par, in which he proposed Exchequer bonds and three and a half per cent stock, and a two and a half per cent stock, held out the inducement to take by one of the schemes 2*l.* 17*s.* 9*d.*, and by the other 2*l.* 15*s.* At that time the right hon. Gentleman was proposing to deal with 30,000,000*l.* of stock by way of experiment, and he said, in language that could not be mistaken, that to lay it down as a large operation of a compulsory character was totally out of the question. Now, when the right hon. Gentleman told the holders of three per cent stock that they had a perpetual annuity of 3*l.* for every 100*l.*, and offered them 2*l.* 15*s.* in lieu of that sum, he condemned his own scheme. The right hon. Gentleman, in his speech on the 8th of April, 1853, anticipated that the three per cent stock would be redeemed, and fixed the 3rd of June as the day on which the public should determine which of the new stocks they would take, stating that he had not the least fear of seeing the scheme extensively adopted; and in making that statement no one could doubt that he expected not only to reduce the 10,000,000*l.* absolutely, but the 30,000,000*l.* which he took the power to reduce. But what was the fact? The 3rd of June came, and the three per cents went below par; they receded to 99, and shortly afterwards to 98, and they knew perfectly well that the public elected to take 1,100,000*l.* or 1,200,000*l.* of the Exchequer bonds, and in the aggregate about 2,500,000*l.* of the new securities. A discussion took place in the House on the 5th of August, in which he (Mr. Malins) took part, and at that period it was perfectly apparent that the scheme was a total failure, and that the holders of those stocks, to the extent of 8,000,000*l.*, having elected to take their money, the Chancellor of the Exchequer was bound to provide the money to pay them. He could not retreat from his bargain; a regard for public faith required the fulfilment of his contract. But, as had been pointed out by the hon. Member for Huntingdon, the right hon. Gentleman, when he came down to the House on the

8th of April, and proposed the conversion of those stocks, did not suppose he should be called upon to pay that 8,000,000*l.*; he acted on the belief that the public would elect to take the new stock; and he (Mr. Malins) confessed that what surprised him most was, that the right hon. Gentleman having alleged, as one of his reasons for converting that 9,500,000*l.* was, that it was inconvenient that the smaller stock should exist, he had yet proposed to replace them with three descriptions of stock of a smaller nature. During the discussion on the 5th of August the right hon. Gentleman was informed upon all sides of the House that it was apparent his scheme had failed, and he was told, most distinctly, that it became his duty to provide the means of paying that 8,000,000*l.* of money, the three per cents at that period being 97 and a fraction; they were now 88. The right hon. Gentleman had hanging over him the liability of having, at the end of the year, to pay 8,000,000*l.* The 3rd of June arrived; he was disappointed in his views; his stocks were below par; he had taken the balance of his Exchequer at a period when he might fear the approach of that war which had since come upon us, and, in ordinary prudence, he should at once have furnished himself with the means of removing the difficulty under which he laboured. He (Mr. Malins) had no wish to dwell upon this subject in any other spirit than that manifested by the hon. Member for Huntingdon, and in the spirit which had shown itself on their side of the House. He merely treated it as a grave question affecting the finances of the country, and he could not avoid complaining that those finances, in the hands of the right hon. Gentleman, had been conducted with a want of prudence, a want of foresight, and a want of knowledge in such matters, which had been as discreditable as anything that had ever occurred in the financial history of this country. When he found that his expectations had been disappointed, it became his duty to have immediately armed himself with the power of supplying his deficiency; but, instead of that, he evinced a want of moral courage to come boldly forward and make that admission which he was obliged to make on the 6th of March, but which he had since retracted—that he was mistaken in his calculations, and had failed in his scheme. Had he come forward at that time and said, "Under the sanction of Parliament I made an experiment, and failed; I have 8,000,000*l.* to pay, but I can't run the risk, in the present state of affairs, of paying it out of the balance in the Exchequer," the consequence would have been that at that period the money might have been supplied at the loss of 1½ per cent; and even had the funds been at 97½, it might have been supplied at a loss of 2½ per cent, as there would have been no difficulty in obtaining a loan. The right hon. Gentleman and the hon. Member who had last addressed the House had thought fit to claim great credit for having reduced the national debt; but anything more trifling, more inexpedient, or, in its results, fraught with greater mischief to the interests of the country than paying off the national debt out of these balances could not well be imagined. He came now to the consideration of the state of affairs between the prorogation of Parliament, on the 20th of August last, and its meeting in February. They all knew the state of suspense in which the country had been kept, and the anxiety which was felt by all classes of the community. Previously to the prorogation they had been assured that there was no danger of war, that the matter had been substantially settled, and that each hon. Gentleman might retire to his own home in the most perfect ease as far as the Eastern question was concerned. Upon that assurance Parliament separated, but the funds, which at first kept up tolerably well, had been going down ever since. In February the Parliament again met—the funds were then higher than they are now—and, on the 6th of March, the very earliest period he could do so, the right hon. Gentleman made his financial statement. On that occasion he was again reproached with not having armed himself with the power of paying off the dividend holders; he was told, and, as it turned out afterwards, with great accuracy, what the extent of the balances were, and what amount of deficiency bills he would require, and it was pointed out to him that it would be necessary to raise money by way of loan. But the right hon. Gentleman seemed to disdain the idea of a loan, although assured that if he did not have recourse to it then, when the funds were at 92, he would be obliged to do so very shortly, when they were much lower; he treated the notion with scorn, and led them to believe that the last thing they might expect would be to see him come forward and ask Parliament for power to raise money in that way. So matters went on, until a great proportion of the public were taken by surprise by a notice appearing in the newspapers to the effect that the right hon. Gentleman proposed to raise 6,000,000*l.* by Exchequer bonds. Everybody regarded such a proceeding as a loan, until the Chancellor of the Exchequer came down and told them they were all under a delusion, and that, although he was going to get money at 3½ per cent, it was not to be considered a loan. But the right hon. Member for Buckinghamshire (Mr. Disraeli) put the matter beyond all doubt, and how the Chancellor of the Exchequer could make out that borrowing 6,000,000*l.*, to be repaid at any period within six years, was not a loan was beyond his (Mr. Malins') comprehension, and, he believed, beyond the comprehension of the public in general. The Chancellor of the Exchequer stated, in the speech delivered by him a fortnight ago, that this money was wanted in consequence of the inconvenience caused by withdrawing from the Exchequer the 8,000,000*l.* belonging to the non-assenting shareholders. And though he was deceived in his expectations that the bonds issued by him last year would bear a premium, because they were issued at a limited amount, yet he again on the present occasion fell into the same mistake, and was again undeceived by the failure of his scheme. But he (Mr. Malins) believed that that failure was entirely owing to the mistake which the right hon. Gentleman made in the mode by which he proposed to borrow the money. The right hon. Gentleman had been very eloquent in pointing out the mistakes of Mr. Pitt, and condemning him for borrowing on the average 72*l.* 10*s.* and granting 100*l.* stock, and the hon. Secretary of the Treasury had followed at considerable length on the same subject, and yet it appeared they had acted on precisely the same principle, for the right hon. Gentleman had advertised that he was willing to receive 6,000,000*l.* at 3½ per cent when the funds were at 98¾—that is, he was to receive 98*l.* 15*s.* for every 100*l.* he paid, giving a bonus that would render it equivalent to 4 per cent. He (Mr. Malins) should like to know in what the principle differed? If he could not get money below 4 per cent, why did he not make the proposal to borrow 100*l.* and pay 4 per cent. for it on Exchequer bonds, without any mystification? But that would have been too simple a process for the Chancellor of the Exchequer, although it would have been intelligible to the public; therefore he said, "I will borrow at 3*l.* 10*s.*; I know I can't get the money at that rate, but I will give a bonus that will make it equivalent to 4 per cent." The Committee would bear in mind how unequivocally the right hon. Gentleman denied that his proposition of 1853 constituted any addition to the national debt. That consequence was first pointed out by the hon. and learned Gentleman the Member for East Suffolk (Sir F. Kelly), who said that by converting a stock of 100*l.* at 3 per cent into 110*l.* at 2*l.* 15*s.* per cent, the right hon. Gentleman was, in point of fact, adding 10 per cent to the national debt; that if the process was to be carried out over the whole 30,000,000*l.* on which it was proposed to operate with this scheme, it would increase the debt of 30,000,000*l.* to 33,000,000*l.*; and that if the whole three per cents were so dealt with, the capital would be not 500,000,000*l.*, but 550,000,000*l.*, so that, though the interest might be lowered, the capital would be increased. But, said the right hon. Gentleman, that was quite a mistake, for the nation was under no obligation to repay the capital; all the obligation the nation contracted was an obligation to pay a perpetual liability of 2*l.* 15*s.* a year. Now, the answer to that was very obvious, and he had himself ventured to point out to the right hon. Gentleman that the measure of a debt was the mode by which one could get out of a debt—that the mode of getting out of the national debt at present was to pay 100*l.* for what now costs the country 3*l.* a year—that the new mode proposed by the Chancellor of the Exchequer was to pay 110*l.* for what would then cost the country 2*l.* 15*s.* a year, and that, therefore, there was a clear addition of 10 per cent to the national debt. The language of the right hon. Gentleman appeared so extraordinary on this point that he could hardly expect the Committee to credit his accuracy, and he would, therefore, refer to the exact words of the right hon. Gentleman. On the 8th of April, 1853, he found it reported in *Hansard*, that the Chancellor of the Exchequer, in reply to some observations by the hon. and gallant Member for St. Ives (Capt. Laffan), said—

> "He thought that the hon. and gallant Member who had just addressed the Committee, as well as the hon. and learned Gentleman the Member for East Suffolk (Sir F. Kelly), and some other hon. Members, had overlooked the real nature of the national debt. They treated the debt as if it were a sum which certain creditors had a right

to recover from the nation; but no such right existed. The nation had entered into no engagement, except an engagement to pay its creditors certain perpetual annuities, or to redeem these annuities on certain terms, if it should think fit. That was a totally different thing from being bound to pay off the capital which it had received."—[3 *Hansard,* cxxv. 872.]

The Committee saw the right hon. Gentleman entirely denied the principle that giving 110*l.* stock for 100*l.* stock was adding to the national debt; he (Mr. Malins) was much surprised at the doctrine, and he found he interposed, and was reported to have said—

> "It was quite true that the liability of the nation was to pay a perpetual annuity of about 30,000,000*l.*, but England could only get out of debt by reclaiming this 30,000,000*l.*; this 30,000,000*l.* could only so be got rid of. When, therefore, the right hon. Gentleman the Chancellor of the Exchequer stated that England at this moment was not under an obligation to pay more than a perpetual annuity, and not indebted in any capital sum of money, though strictly and legally speaking he was right, practically his statement was most erroneous."—[3 *Hansard, ib.*]

The right hon. Gentleman proposed to issue the stock at a discount, and whether that discount were 25*s.* or 25*l.* made no difference—the principle was just the same, and equally violated. What ought to be the rule of a financier? "Borrow at par, and then you know what you are doing." When, therefore, he found the right hon. Gentleman proposing to create stock at 110*l.* in lieu of 100*l.* stock then existing, he did convict him of not having got out of the dark which he said Mr. Pitt lived in. Mr. Pitt, indeed, had excuses, for neither he nor the nation had that experience which they now had, and probably he would have found it impossible to raise money in any other way; but, if the right hon. Gentleman, having all the new lights of the present age, committed this error in 1853, with what grace, he asked, could he come down to the House and make comments in the tone he had done on the conduct of Mr. Pitt? He should surely first take care to see he was quite right himself. The right hon. Gentleman had accused him (Mr. Malins) of belonging to a class which he termed "myths." He did not complain of the term, but the description which the right hon. Gentleman gave of that class was this—"They see things as they would have wished them to have been; and what they wished them to have been they believe that they were." The right hon. Gentleman had done him the honour of saying that he considered him (Mr. Malins) to be about the most respectable member of this class. He thought, however, that the right hon. Gentleman was quite under a mistake, for he (Mr. Malins) would point out a much more respectable member of the class, and that was the Chancellor of the Exchequer himself. The right hon. Gentleman applied the term to him, because he (Mr. Malins) had ventured to express his belief that the right hon. Gentleman's scheme would fail. What, then, should they think of the right hon. Gentleman himself, who thought that scheme would succeed? The right hon. Gentleman, in April, 1853, after dwelling at great length upon the advantages of the plan he was proposing to the nation, concluded by saying, "For my own part, I have not the least fear of seeing it very extensively adopted." He (Mr. Malins) thought then, it would be admitted that the right hon. Gentleman had far higher claims than himself to be regarded as a distinguished member of the mythic class. The imprudence of the right hon. Gentleman's scheme had been pointed out to him by several hon. Members, and he had been told that, having exhausted his Treasury by paying off the dissentient stockholders, it was impossible that he could go on without a loan. So far as he could be judged from the demeanour of the Chancellor of the Exchequer on that occasion, he seemed to hold in great derision the idea of being driven to a loan. He (Mr. Malins) felt a strong conviction that such would be the case, and he thought the Chancellor of the Exchequer would do him the justice to say that upon this point he had not been entirely mistaken. He (Mr. Malins) was satisfied that, having exhausted the balances in the Exchequer by paying off dissentient stockholders, and having imposed new taxes which were not immediately available, the right hon. Gentleman could not go on without an advance of money, and, by whatever name such an advance might be called, the public would only look upon it as a loan. The scheme of the Chancellor of the Exchequer was admitted to have been abortive, and to have resulted in disappointment; but the right hon. Gentleman, when he proposed his supplemental Budget, came down to the House, and, in a tone of exultation, said everything he had proposed had worked satisfactorily, and that no pecuniary loss had been occasioned. Now, on the 6th of March he (Mr. Malins) expressed to the House his belief that the loss to the country from the Chancellor of the Exchequer's plan would not be less than 800,000*l.* of capital or 60,000*l.* a year interest, and he thought he could show that that estimate was correct. The three per cents were now somewhat higher than they were a month ago; they were now about 88; but the Chancellor of the Exchequer had paid off 8,000,000*l.* of stock at par. That stock was now worth only 88, so that the right hon. Gentleman had undoubtedly lost 12 per cent upon 8,000,000*l.* He (Mr. Malins) considered that for 10 per cent of that loss the Chancellor of the Exchequer was without any excuse, because he (Mr. Malins) took the liberty of warning the right hon. Gentleman on the 5th of August, that the time had arrived when he ought to arm himself with powers for paying off the dissentient stockholders, and the money required might then have been obtained on such terms that a saving of 10 per cent, or 800,000*l.*, would have been effected. Now, the present proposal of the Chancellor of the Exchequer was a scheme for raising 4,000,000*l.* of money, being part of a sum of 6,000,000*l.* proposed to be raised by what the right hon. Gentleman called 3½ per cent Exchequer bonds; but as a bonus was to be given, he (Mr. Malins) thought it could not be denied that this was practically a loan at 4 per cent. The Chancellor of the Exchequer, then, was borrowing 6,000,000*l.* at 4 per cent, upon which the interest would be 240,000*l.* a year. The interest of 6,000,000*l.* at 3 per cent was 180,000*l.*; and he (Mr. Malins) contended that the Chancellor of the Exchequer was now borrowing 6,000,000*l.* of money at 4 per cent to pay off the same amount which had carried interest at only 3 per cent. The Secretary to the Treasury (Mr. Wilson) had said that the necessity for this loan arose entirely from the balances in the Exchequer having been applied to pay off the dissentient stockholders.

Mr. J. WILSON begged to assure the hon. and learned Member, that the necessity would not have arisen but for the war.

Mr. MALINS: He did not consider that made the slightest difference in his argument, and he must contend that the necessity had been occasioned by the imprudence of the Chancellor of the Exchequer in parting with the 8,000,000*l.* of balance. The hon. Gentleman opposite (Mr. Wilson) had claimed credit on the part of the Government for having reduced the capital of the national debt by 11,000,000*l.*; but, although he could not follow the hon. Gentleman's figures, part of that 11,000,000*l.* was undoubtedly the 8,000,000*l.* to which he (Mr. Malins) had referred. It could not be denied that the Chancellor of the Exchequer had paid off that 8,000,000*l.* out of what should have been the resources of the nation for carrying on the war; and the Secretary of the Treasury had told them that the loans now proposed were required because the revenue would not be immediately available. But if that were the reason for the proposal, the money should have been borrowed, not upon Exchequer bonds, but upon Exchequer bills, which would be paid when the revenue did come in. The truth was, however, that the necessity for borrowing this 6,000,000*l.* upon Exchequer bonds had arisen solely from the abortive scheme which had rendered necessary the payment of 8,000,000*l.* to dissentient stockholders. The Chancellor of the Exchequer might say, "I only borrow 6,000,000*l.* to replace 8,000,000*l.*, and therefore you save the difference of 2,000,000*l.*" But although at the present moment the right hon. Gentleman did not propose to borrow more than 6,000,000*l.*, it was clear from what had fallen from him that he was from time to time applying to the Bank of England for accommodation, and in that way he might obtain the additional 2,000,000*l.* In any point of view it was his firm belief that the financial operations of the Chancellor of the Exchequer had resulted in a serious loss to the country. If they looked to capital, the loss was from 800,000*l.* to 1,000,000*l.*; if they looked to interest, the loss would amount to 60,000*l.* a year. The Chancellor of the Exchequer stated a fortnight ago that the country and the Committee were mistaken in supposing that he had had any accommodation from the Bank of England; for that, though he had had deficiency bills to a large amount, he had never received any accommodation from the Bank, but, on the contrary, had had a considerable balance in its hands; and the right hon. Gentleman pointed out that at the time when it was supposed he had obtained large accommodation from the Bank, he had a balance with the Bank of 1,696,000*l.* He, therefore, argued that the hon. Member for London (Mr. Masterman) had been, and that he (Mr.

Malins) was in a complete delusion upon that point. Now, if the right hon. Gentleman had said that he (Mr. Malins) alone was under a delusion on such subjects, he would not have been at all surprised; but when the Committee was told that the hon. Member for London, one of the most experienced bankers in England, was under such a delusion, he could not account for it. He believed that the delusion lay entirely with the right hon. Gentleman himself. The right hon. Gentleman would find that if a banker made a loan to a customer, although that customer might have a balance in the banker's hands, the moment the banker placed the loan to the customer's credit, he considered himself liable at any moment to have the customer's check presented for the whole amount. If, therefore, another customer applied for an advance, the banker might not be enabled to afford him accommodation in consequence of his existing liability. In the same manner, if the Chancellor of the Exchequer, having 1,000,000*l.* in the hands of the Bank of England, required from it accommodation to the extent of 2,000,000*l.*, the Bank considered that the whole amount was at the disposal of the Government, and its power to afford accommodation to other customers was to that extent diminished. The Secretary to the Treasury had alluded, at considerable length, to the dealings of the Bank of England with the Government, and had contended that, in consequence of the great profits made by the Bank of England, and the advantages it enjoyed as the Government bank, it ought not to refuse to afford the Government any accommodation they might require. He (Mr. Malins) had no doubt, however, that the Bank thought there was a limit to the accommodation to be afforded to the Government as well as to any other customer. The Secretary to the Treasury seemed to admit that the Bank Charter Act of 1844 was altogether an unnecessary measure, because, he said, it had now become a canon of banking that no banker could force out more notes than the public required; for if they were forced out on one day, they would come back the next. Neither the Bank of England, then, nor any other bank, could force out more notes than the public required; but the practical error of the existing law was, that the Bank was not allowed to let the public have the notes they did require, however urgent the demand might be. If the Secretary to the Treasury was correct, it was impossible to conceive a more unnecessary law than the Bank Charter Act of 1844. Previously to the passing of that Act the Bank was left to exercise its discretion, and to judge what notes it could issue, and it issued such an amount as would not interfere with the regularity of its action; but the vice of the present system was that, although, at a particular crisis, the public might want a large amount of notes, the issue of notes by the Bank was restricted, and commercial operations were, consequently, curbed and fettered. He would not, however, longer detain the Committee, as he had now exhausted the topics upon which he had been challenged upon a former occasion. On all grounds, he trusted the Committee would be of opinion that the right hon. Gentleman's scheme had been founded in error, and that he was not entitled to the credit which he claimed. On the particular question he need add nothing to the able speech of the hon. Member for Huntingdon (Mr. T. Baring). It had been said, indeed, that the Exchequer bonds might, at the end of the period, be reissued like Exchequer bills. True; but upon what terms? If the war turned out to be one of long duration and of great expense, the three per cents could not be expected to remain at 88. Suppose, at the expiration of six years, they were down at 75, as they were in 1847; or suppose that, in 1860, when these bonds were redeemable, the three per cents were at 78. If the bonds were then reissued, a loss of 600,000*l.* would be involved, in addition to the 800,000*l.* by the South Sea Stock conversion scheme of last year. In other words, the Chancellor of the Exchequer would be obliged to borrow money at 4½ per cent to pay off a debt which bore only 4 per cent interest. Disguise it, then, as he might, the right hon. Gentleman was raising money by loan, and binding himself to repay 6,000,000*l.* of debt at a period when the resources of the country might possibly be diminished by the demands of the war. Under such circumstances, he could not regard the right hon. Gentleman's principles of finance administration as sound, and he should vote for the Amendment.

Mr. LAING said, but little connection could be perceived between the speech which had just been delivered and the terms of the Amendment. The obvious meaning of the Amendment was, that it would be dangerous to the Government to commit itself to the repayment of the principal sum beyond 2,000,000*l.*, which might be borrowed for a shorter period than six years. He could not concur in that opinion. With the highest appreciation of the commercial acuteness and experience of the hon. Member for Huntington (Mr. T. Baring), he could not help thinking that, had the hon. Member had the benefit of a little experience on a railway board, he would have avoided the fallacies—the absurdities, he was compelled to say—he had put forth before the Committee. In his own humble position as chairman of a railway company, and that company by no means the largest in the kingdom, he had frequently had to deal—and he had done so with perfect facility—with renewals of bonds for large amounts—certainly to a much greater amount than 6,000,000*l.*, which, it was said, would impose such a burden upon the resources of the country. Of course the same had occurred in other companies. By the last return he found that the aggregate floating debt of the railway companies amounted, at the end of the year 1852, to 64,064,666*l.*; and at the present moment he thought he should under-estimate it if he stated it at 70,000,000*l.* The average duration of the bonds or debentures under which this debt was secured was considerably under five years; probably the average duration did not exceed four years. But, taking it at five years, it would be found that these 70,000,000*l.* involved a renewal of no less than 14,000,000*l.* annually—a renewal which was effected in the open market by the railway interest. These operations had been effected, and were being effected now, even at the high market rate of interest, with the most perfect facility every day. How were these operations effected? By appealing to the great and numerous classes who sought investments at a rate of interest slightly superior to that afforded by the public funds. The average amount of the bonds so taken was about 1,500*l.* a piece; and the classes of the community among whom they were thrown were those who looked for investments in mortgages upon land, a large and increasing number of trustees, widows, officers upon half-pay, and, to some extent, such investments were made by life assurance and other companies. The question was, whether the Government could feel the slightest apprehension in entering into competition with the railway companies, with a preferable security—a security which presented many advantages in facility of transfer—for such an insignificant sum as 2,000,000*l.* It was idle to talk of the difficulty of raising the amount. It was perfectly evident that if they operated in 3 per cent Consols they could command better terms any moment. It was evident, also, that if they borrowed in a depreciated capital they would have to pay a less rate of interest. It was, therefore, a question of simple calculation. If the money was obtained in the 3 per cent Consols now, they must give 85 or 86 for it; in other words, 3½ per cent; on the other hand, if they chose to effect the loan in Exchequer bonds, it was equally clear they would have to pay neither more nor less than 4 per cent interest. Then the question was, was it, or was it not, desirable to pay the extra ½ per cent in the meantime, in order to avoid the risk of having to repay the 100*l.* principal sum which had been borrowed at the rate of 85*l.*? On this question he believed that the Chancellor of the Exchequer was exercising a wise and sound discretion in not imitating the ruinous example set in former wars, of borrowing in depreciated capital. So much for the principle of the measure. With regard to the details, he was bound to admit that they were open to some objection. The principle, however, was perfectly sound; but the particular mode in which it was carried out was unfortunate. The Chancellor of the Exchequer, he was sure, must now feel that it would have been better at once to borrow at par and pay 4 per cent interest, rather than to offer ½ per cent less upon a depreciated amount. This mode of operation was unfortunate; and he also thought it unfortunate that three denominations of bonds should have been offered, because he had always found that the public most approved a definite operation. There was no force, however, in the objection of the hon. and learned Member (Mr. Malins), when he taunted the Chancellor of the Exchequer with having done that for which he had himself reproached the memory of Mr. Pitt. Mr. Pitt offered a permanent annuity; but in this case the loan was effected for a limited and definite period. The whole operation would be at an end in three or four years, and when it came to an end the nation would be in the same position as if it had paid 4 per cent for the accommodation, while no permanent burden would be imposed upon posterity. The question, however, of these Exchequer bonds, it was evident, was bound up, as appeared from the speech of the hon. Member for Huntingdon, with a very different discussion. The discussion, in fact, amounted to neither more nor less than an impeachment of the whole financial policy of the Chancellor of the Exchequer; and the vote which the Committee was called upon to give was tantamount to a vote that he had so mismanaged their financial affairs in the past, that they had no confidence in his administration for the future; that they would rather risk all the evils attendant upon a disruption of the Ministry upon the very eve of a great war, than allow him to carry out his policy. This was the true issue presented to the Committee for its decision; and how, he asked, had it been attempted to support the proposition which it involved? By a retrospective view of the transactions of the past year. In this retrospective view the greatest stress had been laid upon the experiments made for the conversion of a certain portion of the national debt. This was an easy topic to find fault with, because it was admitted by the Chancellor of the Exchequer himself, that the experiment had been a failure. At the same time, as so much stress had been laid upon it, it was only fair to remind the Committee of the circumstances under which the experiment had been made, and of the extent to which it was carried. When it was made, the three per cents had ranged, for a very considerable period, above par. The great object of conversion had been carried through successfully in France. The period was one of great prosperity and of expanding trade, while the extraordinary discovery of gold appeared likely to effect a considerable change in the operations of the money market. He knew that on this last subject opinions were much divided in the City. The fact, however, was that the discovery of Australian gold, so far from having given relief, produced a contrary effect. There was a drain of sovereigns to purchase gold with. The exceptional state of things in China was another cause of disappointment. These two causes were apparently temporary in their operation. Without going further into the question, he would observe that the only thing we had to guide us in the nature of experience was the experience of America. Now the experience of America, with regard to the discovery of gold in California, led to this result—that the influx of gold cheapened the rate of money in that country and raised the price of public securities. Now in April last year it was no unreasonable supposition—it was quite possible—that a similar state of things would result, and that we might have found ourselves in a period of great prosperity. Many persons also thought it was, to a small extent, an experiment. The great mistake of hon. Gentlemen opposite was that they did not keep distinctly in view that the measure then attempted was only attempted upon a limited scale, involving no great risk, and it was equally certain, in the eyes of all impartial observers, that the principle on which the experiment proceeded was one which, steadily pursued, must, under circumstances less unfavourable, gradually diminish the enormous amount of our national debt. With a view to an extensive operation upon the national debt two things were necessary—one was to break up the enormous amount of the three per cents, which required twelve months notice, into small and more manageable amounts; and the other was to establish a two and a half per cent stock, to serve as the barometer of public credit, and afford at the same time a security on which future Chancellors of the Exchequer might operate in attempting conversions to a larger amount. Here he came to the point in which he thought the Chancellor of the Exchequer would have done more wisely by taking a different course. He would have done more wisely, as soon as the failure of the scheme was ascertained, to have put up with the first loss and have closed the transaction by commuting the stocks of the dissentient holders into some other form of public security whilst the funds still ranged as high as 97 or 98. He did not deny, therefore, that the experiment had been a failure, and that a certain amount of loss had been the consequence; whilst, owing to the occurrence of war, a necessity had arisen for raising an additional sum of money, which sum had to be raised at a greater sacrifice than would be the case under the other mode of raising it at par. It remained, therefore, to be seen how far these circumstances were a justification of the sweeping censure which had been pronounced upon the Chancellor of the Exchequer. The only other point touched upon had been the balances in the Exchequer. It had been attempted to convert that into a question of principle which was only a question of detail. The finance of a country was just the same thing, though upon a larger scale, as the finance of an individual or a company. In all cases the question of the amount of the balance at the Bank was a question of discretion. It must not be kept so low as to impede public credit upon the one hand, and, on the other hand, it was useless to keep it at a large amount, because that involved a sacrifice of interest. He thought the balances had been run down too low by the failure of the conversion scheme; but he thought the Chancellor of the Exchequer was perfectly right in now coming forward for means to replenish those balances, and to keep them up to a respectable amount. He thought, however, that the proposition of the hon. Member opposite on the part of the Bank of England to separate the balances, was most unreasonable. As chairman of a railway company, he should never tolerate his banker, when he had a large balance in his hands on the construction account, charging interest upon any small accommodation he might require on another account. The balances must be looked upon as a whole. The nation was only one of the Bank's customers. Certainly, the nation ought to keep a respectable, and even a liberal balance with the Bank; and whether that balance was on one or more accounts was a matter of indifference. Such appeared to him the grounds upon which the Committee was asked to censure the whole financial policy of the Chancellor of the Exchequer. Before consenting to adopt such a course he must look at that policy as a whole, and ask himself whether—of course admitting that some errors had been committed—he could shut his eyes to the leading principles upon which the financial administration of the right hon. Gentleman had been based. Looking back upon his past administration, he could not dismiss from his recollection that, when he first entered that House, he found the right hon. Gentleman battling for the true principles of sound finance, in opposition to the right hon. Gentleman opposite (Mr. Disraeli); he found him combating for a *bonâ fide* surplus of income over expenditure; he found him afterwards, when in office, asserting the same principles; he found him, when proposing the continuance of the income tax, proposing remission of taxation upon articles affecting the working classes, and obtaining the means of doing so by imposing a system of direct taxation; he found him repealing the soap tax, and imposing the succession duties. And, coming to the present period, he found that a crisis had arisen which had disturbed his calculations. We were engaged in a great war, and a necessity had arisen of raising 10,000,000*l.* more than had been anticipated. Two great evils were to be avoided in financial policy, at the commencement of the war: one was not to attempt to retrace the commercial policy which had produced such beneficial effects, and the other was not to have recourse to temporary expedients for raising money at a ruinous discount, for carrying on the contest. He cordially approved the policy adopted by the Chancellor of the Exchequer on both these points. Such were his convictions, and he believed they were the opinions of the great majority of that House. The moneyed interest, he believed, was perfectly satisfied with the financial policy so boldly asserted by the Chancellor of the Exchequer; and he was certain it would be a great misfortune to the country if the Amendment, which involved a censure of this policy, were carried.

Mr. CAIRNS said, when the right hon. Gentleman the Chancellor of the Exchequer submitted his proposition to the House, he made a just observation, he said that, although it was the duty of the Government to originate financial measures, it was for the House of Commons, after all, to decide upon the manner in which the resources of the country should be raised, and that upon it, and not on the Government, must ultimately rest the responsibility of the adoption of a financial policy. Very shortly after, however, a different language was used by another Member of the Cabinet, for, as soon as the discussion commenced which the Chancellor of the Exchequer had invited, the noble Lord the Member for the City of London (Lord J. Russell) rose, and, in words which conveyed a tone of taunt rather than of courtesy, accused Members who objected to the great financial scheme of want of sincerity, and laid down the new and startling proposition, that Members on both sides of the House having agreed to the war, they were not at liberty to object to the mode in which the Government proposed to raise the means for carrying it on. Of these two doctrines that of the Chancellor of the Exchequer was certainly the more reasonable; for it was not alone the right, but it was the bounden duty, of that House, as guardians of the public interest, to discuss the mode of raising money by taxation for any purposes whatever, and, when there was doubt or difficulty in the case, to express that doubt and that difficulty without heeding the reproaches cast upon them by the noble Lord. He (Mr. Cairns) mentioned this by way of protesting in anticipation against the imputations which might, and would, no doubt, be thrown upon those on his side of the House who were opposed to the plan of the Government in this matter. He yielded to no man in his desire to see the war carried out as became a great nation to a successful conclusion, or in his readiness to raise the resources which might be deemed necessary in a fit and proper manner; but he claimed also the right to perform his duty, and he felt bound to state openly and fairly whatever objections he might have to the mode of raising those resources proposed by the Government. He (Mr. Cairns) differed on two points from the propositions of the Chancellor of the Exchequer; he differed with him, first, as to the extent to which he proposed to make the resources of the year defray the expense of carrying on the war; and, in the second place, as to the mode of taxation proposed for the purpose of raising those resources. It was surprising that the question of the expediency of paying the expense of the war year by year had received so little discussion in that House. The Chancellor of the Exchequer had merely glanced at the question. The right hon. Gentleman indulged in considerable criticism upon the mode in which the resources for carrying on former wars had been raised, but he avoided any distinct enunciation of the principle on which the House should proceed. In dealing with this question, it was necessary to consider the position of those who had to pay taxes in the present year. Were they a permanent unchangeable body, with respect to whom it was immaterial whether they should pay a certain sum in one year, or have it spread over a series of years? They were a fluctuating body. A number of them would be changed before next year's taxation could be levied—a number of others would be removed from the sphere of taxation by death and other circumstances. To arrive at a fair conclusion on the subject, it was necessary to treat the tax-payers of the present year and the tax-payers of future years as different bodies. Could we be guided by analogy in this matter? He thought we might. In dealing with permanent as distinguished from ephemeral charges, we did not place the tenant for life and the subsequent absolute owner of the property in the same category. In the case of permanent improvements, such as draining, a portion of the burden was imposed upon the life interest, and a portion was left to the person who would succeed to the property. Well, the Government would not say that the war in which we had entered was not a necessary war—a war of salvage of the country, as it were—from which permanent improvement to the country was derivable. Who, then, were the persons who would be benefited by it? The persons now alive and paying taxes this year? No. On the contrary, those were the persons who would suffer most by the war. The persons who would most benefit by it were those who would come, perhaps, scores of years after us. Then, why should the persons who would suffer most by the war be called upon to bear all its expense? Before proceeding to raise the necessary supplies for carrying on the war by one mode or another, we ought to decide which was right in principle, and, having come to a decision, we should act upon it. So much with respect to principle; and now a few words on the question of convenience. What was the time at which the resources of a country were best able to bear an unusual and extraordinary strain? In a time of war mercantile transactions were paralysed and national resources crippled, and therefore an additional burden imposed at that time would be most irksome. The time at which a country was best able to bear an unusual burden was when war had ceased and commercial transactions had returned into their natural and wonted channels. If every person in the country held a fee-simple estate and was immortal, it would matter little whether he were called upon to pay a fixed sum at once or by instalments year by year. But seven-tenths of the tax-payers had no fee-simple estates—their means consisted of salaries or other ephemeral resources. To these persons it was not the same thing to pay 100*l.* at once, or to pay it by instalments. He did not say whether Mr. Pitt had done the best thing that could be done for the country or not, but Mr. Pitt had not gone into the market and borrowed 100*l.*, and given the market value for what he received; he went into the market, and, in order to obtain money for which the persons of his own time should pay a low rate of interest, he threw upon posterity a burden greater in amount than the money which he actually received; for instance, when he obtained 100*l.*, he left us to pay 170*l.* or 180*l.* If he (Mr. Cairns) had to choose between paying the expenses of the war in one year and that process, he should certainly prefer the former alternative, but he did not understand why another course should not be adopted. Why should we not go into the market, borrow 100*l.*, give security for that amount, pay the market rate of interest for it, keep down the interest in this and succeeding years to that rate, and leave those who came after us to pay off the principal? This would be a fair mode of dividing the burden bethis and succeeding ages; else an arrangement might be made to liquidate the whole loan in a given period, say twenty to twenty-five years. He would now state his objections to the taxes by which the Chancellor of the Exchequer proposed to raise the money he required, the most important of which was the income tax. What was the history of that tax since the accession to office of the present Government? One of the first questions which had come under the consideration of the Government was, whether the tax could be adjusted so as to remove its inequalities; but they were unable to find a satisfactory mode of carrying that object into effect, and therefore, to avoid the necessity of an adjustment, they proposed it with three qualifications. The first of these qualifications was, that there should be a descending scale—that the tax should be reduced year by year; the second was, that it should come to an end in a certain number of years; and the third was, that, as a sort of compensation, the succession tax should be imposed. What had been the result? In the first place, there was an end of the diminishing scale; secondly, the tax would not be terminated in a fixed number of years; and, thirdly, the 7*d.* in the pound for which the succession tax had been considered as a compensation, had been increased by another 7*d.* in the pound, with regard to which there was no compensation, although it had all those incongruities which had so long been complained of, and which every Government had been expected to remedy. Without attempting to be a judge upon matters of finance, he could not help protesting against the principle upon which the taxes by which the amount of revenue required was to be raised were to be imposed. He could foresee, very plainly, the germs of the unpopularity of the tax, not in its irksomeness nor in its amount—for he had such confidence in the courage and energy of the people of this country in a cause which they considered just that he thought they would cheerfully bear any burden that might be imposed on them—but he could foresee it in the injustice of the tax, and he was afraid that this unpopularity would pass from the tax itself to the war which was the cause of it. We could not now judge of the feeling of the country on this matter, for it rose slowly upon matters of taxation, and even the opinion of this House had not been sufficiently formed upon the Chancellor of the Exchequer's scheme since it had been brought forward; but a time would come when a man who paid his 12*l.* out of 200*l.* a year would inquire upon what principle the tax was imposed, and, although the propositions of the Chancellor of the Exchequer might have been sanctioned by majorities of this House, and although he might have succeeded in accomplishing the objects he had in view, he would also have done what he should be sorry to think the Government intended to do—he would have rendered a just war unpopular by means of an unjust tax.

Mr. JOHN MACGREGOR said, he thought, with regard to the expediency of borrowing money for a short period, that the same principle was applicable to the finances of the country as was applied to the finances of a person who paid ready money to his tradesmen instead of running into debt. He believed that if no war had occurred, and the harvest had been good, the anticipations of the Chancellor of the Exchequer as to the result of the measures he had proposed last year for the conversion of stock would have been realised; but, at any rate, if he had placed the finances of the country in peril, it was not in consequence of his having received no advice from a *Parliamentum indoctum.* He could not discover what ground there was for asserting that the right hon. Gentleman had entailed a loss of 10,000,000*l.* upon the country, for the conversion he had effected would not, at the end of the war, add 1*s.* to our debt or to our taxation. The proposals he had now made were moderate, although they had been met by factious opposition, and the Amendment before the Committee was nothing more nor less than a vote of want of confidence in the measures of the Chancellor of the Exchequer, but he knew the country would support the principle of defraying the expenses of the war without entailing a burden upon posterity.

MR. THOMSON HANKEY said, he could not give a silent vote upon the Amendment of the hon. Member for Huntingdon (Mr. T. Baring), because, at the conclusion of his speech, the hon. Gentleman had made some remarks, from which he confessed that he most entirely differed, and, after listening to that speech with great attention, he was completely at a loss to understand the object he had in concluding with the Amendment which he had proposed. He would merely make an observation with respect to the Amendment, because he was anxious to avoid crippling the action of the Chancellor of the Exchequer by the expression of an opinion on the part of the Committee that the mode of borrowing money which he proposed to adopt on the present occasion was injurious or undesirable. He could not understand why Governments of this country should debar themselves from following that course which had been found expedient and advantageous by the largest class of borrowers in the kingdom, the railway interest—he meant the raising of money by loans for a limited period, a custom which had not only been found beneficial to that interest, having invariably been adopted by it, but which had also been adopted by almost every country with the exception of our own. He therefore rejoiced when he heard that the Chancellor of the Exchequer had determined on adopting a plan which he believed would be found, on the whole, to be most beneficial to the country. He cared not whether the Chancellor of the Exchequer would be afraid of renewing these debentures when they fell due, or what course he might adopt when the time arrived for the determination of that question, but he thought the right hon. Gentleman was wise in adopting the plan of borrowing for a short and limited time, and of replacing the loans he was about to raise out of an income which he proposed to derive from taxation, the imposition of which, as he understood, the Committee was not unwilling to sanction. As he had taken the liberty of expressing an opinion different from that of the right hon. Gentleman on a former occasion, he wished to state how entirely he concurred with him in thinking that the course he now proposed to adopt was a wise one, and he hoped the Committee would not throw any difficulties in the way of his carrying out his measures.

MR. DISRAELI: Mr. Bouverie—Sir, I did expect that some Member of Her Majesty's Government would have replied to the speech of my hon. Friend (Mr. Baring), a Member of the House on all subjects deserving the attention of a Government, and who to-night spoke upon one upon which he addressed us with all the influence which naturally results from his pursuits, his character, and his ability. I think I am not saying too much—though indeed the only fault of his eloquence is the rarity of his appeals, which we all regret—that on no occasion has he addressed either yourself or the Chair, when he has produced a greater effect, or more completely justified the step which he has taken. I should myself have willingly listened to the answer of the Government before I troubled the Committee; but, as the question is now called, I do not feel justified in giving on this Amendment a silent vote. An hon. Gentleman who has just addressed the Committee told us that it is not upon a mere Resolution moved in Committee that we have to decide, but that we have, indeed, to decide upon the whole financial policy of the Chancellor of the Exchequer. I was not myself disposed to view the question in that light, but at the same time I am not prepared to shrink from such a discussion if it is the mood of the Committee that we should enter into it. Sir, I conceive that the demand which the Chancellor of the Exchequer has made upon the Committee to-night has resulted from the system upon which he has conducted the finances. I am willing, therefore, to argue the case on the broadest grounds, and to take the decision of the Committee upon the more comprehensive issue. I think that the conduct of our finances by the right hon. Gentleman has been from the first erroneous, and I wish to give to the Committee, with as much brevity as I can, the reasons why I think the administration of the finances by the right hon. Gentleman has been erroneous, and has been, in consequence of those errors, injurious to the country.

Sir, I think that in the first year of the management of the finances by the right hon. Gentleman—management which has led to the Resolutions now before the Committee—it is not difficult to point out a variety of courses that he has pursued which he was not justified in taking. One advantage that we have in speaking upon these subjects now is, that that which a year ago was abstruse to the majority of hon. Members—which even a couple of months ago was not easy of immediate apprehension—has really, by frequent discussions, become so familiar to every Gentleman in this House that it is not necessary to dwell upon these points at that length which on previous occasions perhaps it was my duty to do. Now, the first error of the right hon. Gentleman has been touched upon to-night by the hon. Member for Huntingdon (Mr. Baring), and has been frequently referred to in the course of this discussion, and that is one which has been constantly brought before the consideration both of the House and of the Committee—namely, his lowering of the rate of interest upon Exchequer bills. The right hon. Gentleman has on several occasions, and in that speech in which I may say he introduced the Resolutions now under discussion, vindicated the course which he intended to take. I don't think that I am giving a partial opinion if I say that the vindication of the right hon. Gentleman of that step has not, I think, proved satisfactory to this House or to the country. No doubt the observation of the right hon. Gentleman, that in the month of March Exchequer bills were sent in, not for payment, but for conversion, is a seeming vindication, as he states, of the course that was taken. No doubt, on the first blush of the matter, that is an apparent answer to the charge that we had made. But really it is a superficial one, and has been noticed to-night by the hon. Member for Huntingdon, as might have been expected from a Gentleman of his experience and acquaintance with the subject. It is not immediately that the commercial community call on the Chancellor of the Exchequer to pay his bills in money; but although for a moment indulgence was extended to the right hon. Gentleman, the consequence of his conduct was apparent when, at a later but still not remote period, a large amount of the balances in the Exchequer were called for in the most inconvenient manner to defray the obligations resulting from his policy. Well, Sir, I shall not dwell upon another point, which I only notice that the Committee may bear it in its mind. It is a fact, not to be disputed, that the right hon. Gentleman did think it a wise course to reduce the interest upon public securities when the bankers were raising the interest upon private securities, and when every symptom which I think ought to have guided the right hon. Gentleman—such as the fall in the funds, which the right hon. Gentleman will no longer deny—the repeated rise of the rate of interest by the Bank—the fall in the premium on his own Exchequer bills—must all have warned him that a considerable change was taking place in the financial condition of the country. I think the reason given by the right hon. Gentleman the other night, which he drew from the course of the exchanges affected by our Indian trade, however good so far as it went, of a very limited and partial character. There is no doubt that the right hon. Gentleman, as well as other persons, was misled by the great increase in the production of the precious metals, in consequence of the discovery of gold in Australia and elsewhere, and that he did not give credit for that remarkable increase in our commercial transactions which was the consequence of that discovery, and which was an increase in greater proportion than the increase in those metals.

Sir, I am quite willing to share the blame of having formed an erroneous opinion on the same subject, of which the right hon. Gentleman of course has reminded me. I answered the right hon. Gentleman that it was my opinion—an opinion that I had formed not carelessly, and in which I was fortified by high authorities; and the right hon. Gentleman said—"Of what use are opinions unless they are acted upon?" But although that was my opinion in the month of December, still I do think that in the month of February, if I had been aware that the funds had fallen 1½ per cent—if I had been aware that the Bank had raised the rate of interest twice in the preceding month, and if I had been aware also of the great efflux of the precious metals—that whatever might be my theoretical opinions formed from study, and although I may have thought that they might have been, in the long run, justified by experience and the course of events—I should have had sufficient caution and prudence not to act then upon that opinion. Under the circumstances, in refusing so to act, I do not think I should have given any foundation for a belief that I was insincere in the doctrine I professed. Well, Sir, I consider this to have been the first great fault in the management of our finances in the year 1853—I mean the incautious dealing with the unfunded debt of the country. Sir, the second great mistake which the right hon. Gentleman, in my opinion, has made in the administration of our finances—I am sure he will pardon my going somewhat pedantically through this catalogue, but I am obliged now, from a circumstance which we all deplore, to answer in some degree a speech made by the right hon. Gentleman some time ago — I say the second great fault of the right hon. Gentleman in the administration of the finances in 1853, was that celebrated scheme of conversion which has occupied the attention of the country so much, and also that of the Committee this evening. The vastness of that scheme is sometimes forgotten, because circumstances permitted only a comparatively very minor portion of it being fulfilled, or rather, I should say, attempted to be fulfilled. The whole principles upon which that scheme of conversion, which might have been applied to the whole amount of the public debt, was calculated, were, in my mind, fallacious and contradictory. The right hon. Gentleman has reproached me and others, because, in the month of March, when he brought forward his conversion scheme, we warned him of the impolicy of this greater scheme, and dwelt little upon the inconvenience that might accrue from the failure of his minor project. Now, Sir, I do not shrink in the least from the opinion that I then gave, that it was extremely unwise to bind this country up in engagements which were to last forty years, ensuring the stipulation of a certain fixed rate of interest, whether it were 3 per cent, or 2½ per cent. The principle of such an arrangement is one which, whatever may be the rate of interest ruling in this country at any time, ought not under any circumstances to be sanctioned. Sir, the right hon. Gentleman reproached us that we did not remind him of the inconvenience that might arise to the Treasury from the failure of the smaller portion of his conversion scheme, namely, the necessity of having to pay off the holders of South Sea Annuities. I think, however, that I may leave the vindication of hon. Gentlemen on this side of the House to the hon. and learned Member for Wallingford (Mr. Malins), who has laid before the Committee this evening such ample quotations of the warnings and prophecies given to the right hon. Gentleman, that, if I had no share in those predictions and those warnings, I may at least be proud of my colleagues and coadjutors for having been more apt and far-seeing than myself. But surely the right hon. Gentleman cannot pretend any longer, that on this subject he did not receive due caution from this side of the House. Well, that was the second great mistake of 1853. The first was with respect to his dealing with the unfunded debt; the second was with respect to his dealing with the funded debt. But there is a point for our consideration, when we have to estimate the prudence and calculate the caution of the right hon. Gentleman in these matters—there is one element of our consideration which, when we touched on the subject originally, was not in our possession.

Sir, when this subject was first discussed in this House this Session, I remember that on that very night before the financial debate took place, I had to address a question to the noble Lord the Leader of this House, with respect to a statement that had appeared that morning in an English newspaper of certain declarations made by the Emperor of Russia as to the information possessed by the Government of his intentions at a period far earlier than had been supposed by the House of Commons. That was on the very day, if I recollect right, when the financial discussion took place in this House, and the noble Lord promised that we should be put in possession of these documents. We argued the case of the management of the finances without the advantage of those documents. We argued the case of the management of the finances merely with the State Papers before us that had been laid upon the table. But it resulted from those documents subsequently presented to this House, that the right hon. Gentleman last year must have been impressed with, if not the certainty, the more than possibility of this country being engaged in hostilities, and in hostilities with a most powerful empire. Sir, it is possible that I might show that even in the earlier part of February (1853) the right hon. Gentleman ought not to have been blind to what was occurring; but I do not press that. The right hon. Gentleman had recently acceded to office—he had a great pressure upon him in his department—he might not at that moment have been so deeply impressed as, perhaps, he ought to have been with the alarming state of Europe; but a month afterwards the right hon. Gentleman must have taken his part in many Cabinet meetings in which the gravest discussion must have occurred upon the possibility, and the more than possibility, of a war with a Power of first-rate resources; and, I ask the Committee, is it of opinion that, under these circumstances, a Minister of Finance should have come forward and proposed to this House to deal upon a large scale with a scheme of conversion which was to touch the greater part of the public debt of this country? The failure of the conversion scheme is no longer to be gauged by the depth and extent of the fallacy of the principles upon which it was founded; it was a great fault of statesmanship quite irrespective of errors of finance. And when the right hon. Gentleman turns round and taunts us now with not having given him sufficient warning—of not having been early enough in prophecy and prediction as to the inconvenience and injury of his course and conduct—I tell him that those taunts fall to the ground, because, if we had been completely silent, if we had not objected in any way to his measures, his fault depends upon circumstances quite independent and irrespective of the opinions of this House or of the country, because he should have formed his judgment and his opinions upon circumstances of the gravest import that were utterly unknown to this House or the country.

Well, Sir, I come next to the third fault—the third great financial error in the year 1853—of the right hon. Gentleman. His third great financial error is, at any rate, one which the hon. Gentleman who lately addressed us (Mr. Laing) cannot call a question of detail—it is not a question that concerns the interest upon an Exchequer bill—it is not one that concerns even the terms upon which you may effect the conversion of an annuity. It is, under the circumstances, the gravest error that a statesman—a financial statesman—can possibly commit; it is one which, in my opinion, has grievously injured the fortunes and resources of the country, and has mainly prepared those difficulties which I fear it is impossible to flatter ourselves we shall not have to contend with. The third great error of which I accuse the right hon. Gentleman in 1853, is that he came forward, and under circumstances which ought to have convinced him that war was more than imminent, proposed to the House of Commons a peace Budget. Now, I do not call the Budget of 1853 a peace Budget because the right hon. Gentleman proposed to repeal taxes. The right hon. Gentleman may tell me, as he has told us before, that if he brought forward measures which immediately tended to diminish and reduce the resources of the country, he also proposed other measures which in due time would increase those resources, or would, at least, supply the deficiency which his measures might create. I may say, in passing, that I do not at all admit the justice of the observation of the right hon. Gentleman, which has been made more than once. If the right hon. Gentleman believed that there was a chance of this country being involved in war, it is no excuse for his destroying any source of revenue that he substituted an equivalent in its place, because the country might require, and probably will require, both sources of revenue. Therefore, I do not admit the argument that, because he proposed and carried more than one new tax, he was at all justified, with the information of which he must have been master, in proposing the repeal of other taxes. But I am not describing his Budget as a peace Budget because he repealed taxes; I call it a peace Budget, not merely because it proposed the repeal of taxes, but because the right hon. Gentleman, in order to induce the House and the country to embrace his policy, chalked out a financial future, which was all founded upon the further repeal of taxes. It is not merely that the right hon. Gentleman, addressing the House of Commons, who no more dreamt of war than they now dream of peace—it is not that the right hon. Gentleman then had the extreme rashness and precipitation to diminish the duties on tea by one-half, but he more than intimated to the House that the wine duties would, in due time, and very speedily, be dealt with; and, indeed, I am greatly misinformed if even at the beginning of the war Her Majesty's Government were not then meditating and maturing a considerable reduction of the whole wine duties. Well, Sir, I do not object to the Chancellor of the Exchequer dealing even with the wine duties; but I say that a Chancellor of the Exchequer, in possession of information which ought to assure him that the peace of Europe is in imminent danger, who comes forward and proposes the repeal of taxes to a large amount, and intimates to the House of Commons that the policy he is pursuing will speedily lead to still greater remissions, cannot pretend that he was not proposing a peace Budget.

But I do not say that the right hon. Gentleman proposed a peace Budget merely because he proposed the remission of taxes, or merely because he indicated a further remission of taxes which it was his intention to make, although I think that that is ample proof of my statement; but let me remind the Committee of the mode and manner in which the right hon. Gentleman, according to his own account alone, induced the House of Commons to consent to the continuance and re-enactment of the income and property tax. If the right hon. Gentleman believed that there was a chance of war—if he was of opinion, after all the Cabinet Councils that he had attended, that the peace of Europe was in extreme danger, I ask, how can the right hon. Gentleman justify it to the country that he should have come forward and induced the House of Commons to consent to the continuance of the income tax upon specific conditions, those conditions being that it should gradually diminish, and at a certain date should entirely disappear—the funds intended to enable it to be extinguished being those to be supplied by the large amount of terminable annuities which at that period would fall in to the public advantage? I think it is hardly necessary, therefore, to give further proofs to the Committee that the Budget of 1853 was a Budget of pure peace. Now, was the right hon. Gentleman—a Minister of the Crown —cognisant of all the despatches of our foreign envoys, taking a leading part, no doubt, in our councils, acquainted with all circumstances which have since been made known to us—was the right hon. Gentleman—I ask this Committee, with no fear of what must be the verdict of all impartial men—was the right hon. Gentleman then justified in believing that peace was not endangered? What was the information then in the possession of the right hon. Gentleman? Why, he was in possession of information from those employed by himself and his Colleagues —by the servants of the Crown abroad — that our foe was at that moment making propositions to the Ottoman Porte to enter into an alliance hostile to England. The right hon. Gentleman knew that large armies were then prepared and assembled on the frontiers of Turkey, and that at that moment the opinion of men whose judgment ought to have guided us was, that the balance of power was in danger, and the political existence of Turkey was at stake. Well, Sir, considering that the Budget greatly diminished the resources of the country—considering that that Budget made the Government enter into engagements which would certainly lead to great disappointment if unfulfilled, and appeals were made for the imposition of new taxes; considering all this, I think a peace Budget in 1853 was a very great blunder on the part of the right hon. Gentleman. I hope the Committee will excuse me for a moment if I reproduce the statement of the right hon. Gentleman on this particular head. It is not agreeable to me at any time to vindicate the conduct of the late Government, but I hope the Committee will not think me obtrusive or egotistical if I answer a charge which has been specifically made. The right hon. Gentleman the other night dilated on the Budget of 1853, and in defence of that Budget said—

> "See what a position the Government was in, in 1853, with regard to their finance. The income tax had ceased to exist. We had to propose its renewal under circumstances of extreme difficulty. The late Government had left that question in such a state, that our difficulty was extremely aggravated in that respect."

Now, Sir, in the first place, I do imagine that the late Government also had some difficulty on that head, for the late Government had found the income tax equally non-existent with the right hon. Gentleman. The late Government had to decide on a great question which at that time agitated the public mind, whether there should be a difference recognised in the assessment of precarious and permanent incomes. Now, I am not going to enter into that controversy now, which would alone take up the night, and which is no longer necessary; I would only remark, when the right hon. Gentleman talks of his difficulties, that the battle had been fought and the question decided upon this cardinal point before the right hon. Gentleman acceded to office. The vote on which the late Government quitted office decided it; and to pretend that the House of Commons, after having refused to recognise that principle, which they virtually did, could ever be an obstacle to the adoption by the right hon. Gentleman of the old system, is really an assumption which only the interval that has elapsed could have induced the right hon. Gentleman to indulge in. But the right hon. Gentleman upon that head, however, said something more. I have heard the insinuation from the right hon. Gentleman once before, at the end of a heated debate of many days' continuance, and I had not thought it necessary particularly then to notice it. He said the late Government had decided on the question of the assessment to the income tax without thought—that they had, without reflection or research, decided upon announcing that they would make a difference, establishing a difference in that respect which they had not matured; and the right hon. Gentleman complained, as I understood him, that I, as the organ of the late Government, had not placed on the table the schedules which we wished to carry. I beg to assure the right hon. Gentleman that he is greatly in error, and has, of course unintentionally, very greatly misrepresented the views and desires of those whose policy he has taken upon himself to expound. The question of whether a difference in the assessment to the income tax should be recognised between permanent and precarious incomes was most deeply considered by the late Government, and occupied repeated and protracted consultations. It was our opinion that that difference should be recognised; nor does any argument that I have heard, I may say in passing, founded, if the details were true, on the supposed greater rate paid by Schedule A, appear to touch the principle involved. These facts, if they be facts, are arguments for another assessment of Schedule A; they are arguments for a net instead of a gross assessment; but they are no arguments why the difference between permanent and precarious incomes, if it be just, should not be recognised. "But," said the right hon. Gentleman, "the schedules were not placed on the table, in the income tax proposed by the late Government." The right hon. Gentleman might have learned from those persons who are authorities on the subject, and to whom he himself will be ready to bow, that there is no precedent for the schedules of an income tax being placed on the table. It is against all precedent, and against all rule. The Committee will recollect that the income tax was never brought forward by the late Government in the House of Commons. I, as the organ of that Government, never had an opportunity of stating the reasons which had induced us to come to the result we recommended. It was clearly understood that until after Christmas the question would not be brought before the House; but there was a reason why we were obliged to announce the Resolutions, because it was a Committee of Ways and Means, and it was our duty to show how an adequate amount of Ways and Means might be furnished. Therefore, the Resolutions merely remained on the table in their usual form; and it was not until the final debate a right hon. Gentleman opposite entered at all into the schedules, and charged me with having omitted, in not producing the schedules, an important part of my duty; but this really is not the fact, because the regular practice is to lay, not the schedules, which the right hon. Gentleman talks about, but the Resolutions, upon the table. These Resolutions even the right hon. Gentleman will not deny were placed in all due formality and order before the House, and, therefore, the right hon. Gentleman has no right to visit us with that condemnation which he so evidently seems desirous, in this time of need, to fall back upon. I admit I did say, when charged with failing in my duty, that although it was not my duty to place these schedules before the House, and was against all rule, still I would not have shrunk from doing so had the House wished it, but the wish having only been expressed in one of the last nights of a lengthened debate, which required my constant attention, I had had no time to attend to the matter. I think I have some reason to complain of the unfair perversion of these words. And then the right hon. Gentleman denounces my false principles of finance which Mr. Pitt would never have recognised, and upon which the project of income tax proposed by the late Government was brought forward. It was, in fact, a graduated scale, according to the right hon. Gentleman; and he denounced it a few months afterwards, when bringing in his own plan of an income tax, in which there was positively a graduated scale of the most flagrant and the most perilous nature. We drew a distinction between incomes of a different character; but the right hon. Gentleman brought forward an income tax in which he made a different assessment on different amounts of property, thereby saying that the rich man shall pay a higher rate than the poor man, the most dangerous principle, to my mind, that can possibly be adopted. Every statesman—and no one more than the right hon. Gentleman—ought to know that this is a most dangerous precedent, and one which, while it has the appearance of fairness, is most injurious to the very class of persons it professes to benefit. I hope the Committee will excuse me for entering into these details. I had hoped the late Government was entombed in *Hansard;* but the right hon. Gentleman revived the question, and I cannot shrink from answering a charge which has been repeated by the right hon. Gentleman. There is only one point more on which I must touch. The right hon. Gentleman has often praised himself on account of the efficient income tax which he brought in. He said the income tax which I proposed would have brought in much less to the revenue, in consequence of my mode of assessment. He found it convenient to forget that while we admitted the principle, which I believe to be a just principle, that there should be a difference recognised between precarious and permanent incomes, and the recognition of which would have saved you from the succession duties—he found it convenient, I say, to forget that we destroyed, or greatly removed, that immense mass of exemptions which had risen up in the course of years, and that by increasing the area of direct taxation we should have raised exactly the same sum as the income tax of Sir Robert Peel; and we should not only have done that, but by increasing the area of direct taxation we gave you the security that property assessed to the income tax should only pay an income tax of 6 per cent, instead of 10 per cent, for that increased confiscation would have been the inevitable consequence if you had retained the old-constructed scheme.

I have now touched upon three grievous errors in the financial scheme of 1853, and I have done so because the right hon. Gentleman vindicated himself on these points, not in a tone of humility which would make me silent, but in the language of arrogance; and because, as I shall show, it is these errors which are the cause of our present difficulties. But these errors are not the only ones in the campaign of 1853. What was the fourth error? It was that reduction in the rate of interest which forced the right hon. Gentleman to pay off 3,000,000*l.* of Exchequer bills out of the public balances. That I think to have been the fourth error. I wish to make the catalogue as brief as I can; but still I must go on. There was a fifth error—and I really flatter the right hon. Gentleman by endeavouring to number his errors. I think it was a great error that the right hon. Gentleman committed in tampering so recklessly with the funds of the savings banks as he did. I am aware that the right hon. Gentleman took no step which was not legal in that respect; but it was an inconsiderate use of the privileges of a Minister of Finance; he treated the savings banks in a manner which must have damaged the credit of those invaluable institutions among those classes for whose especial benefit they exist. The accounts upon the table show the series of losses suffered by the funds of these societies through the speculations of the Chancellor of the Exchequer. This is a great blow to the confidence of the classes who furnish the depositors. The whole system of dealing with these banks appears to me little better than a stock-jobbing process, and one which requires serious explanations from the right hon. Gentleman. I cannot say the catalogue of errors is finished, because I think at the end of the fatal year of 1853, or rather in the month of August, when the right hon. Gentleman found that all his schemes had failed, and that his Exchequer must be empty unless he had recourse to means for replenishing it, the funds being then at 97 and a fraction—when he could have raised money on very easy terms—the right hon. Gentleman, of course, being in possession of grave State secrets, which must have assured him that even if peace could be preserved, it could be so only by a combination of the happiest circumstances with the greatest skill—the right hon. Gentleman contemptuously let the opportunity pass by, and the year 1853 terminated on the part of the right hon. Gentleman with the failure of all his financial projects, with the almost certainty of a war, and with an empty Exchequer. Now that is the state in which the right hon. Gentleman commenced the campaign of 1854; and I want to see what are the measures which he has adopted, first of all, to compensate for the mistakes of the preceding year; and secondly, to do that which the right hon. Gentleman had also to do, not merely to compensate for the mistakes of the last year, but to encounter the difficulties of the present one. The right hon. Gentleman, in breathless haste, one month before the financial statement was due, came down to Parliament, and announced his determination to make his financial exposition to the country. On the 6th of March the right hon. Gentleman came down to the House—an army of 25,000 men having quitted our shores and a large fleet being in the Black Sea—I say a month before it was necessary, the right hon. Gentleman, with a frankness which gave confidence to the country, in order to put us in complete possession of our financial situation, so that we might thoroughly understand the responsibilities that we might incur, and provide for the difficulties in which the preceding year had left us, made his financial statement. Well, the right hon. Gentleman told us on that occasion that he had a considerable surplus—fortunately for us, to the amount of 3,000,000*l.*—and the increased estimates he had to propose would come to somewhere about the same sum, or something exceeding 2,850,000*l.* The right hon. Gentleman entered into many particulars as to the moving and bringing back the large force which had quitted these shores. The right hon. Gentleman offered us estimates to something like 1,250,000*l.*, which was a large sum ; but he said it was right that the country should know what was necessary for moving and bringing back—

The CHANCELLOR of the EXCHEQUER: I was not speaking of bringing the troops back, but of the probable cost of their removal at that time.

Mr. DISRAELI: Well, let the right hon. Gentleman explain his statement on that occasion in any way he can, and reconcile it with a fair narrative of facts as he best may. I say the right hon. Gentleman gave us this estimate of 1,250,000*l.*, which was a large sum, he said, but it was right that the country should know what was necessary for removing and bringing back this force to our shores. How he could reconcile that with the much larger sum which was afterwards asked for the transport of troops I never could comprehend. But the whole statement of the 6th of March was a statement either inadequate or deceptive, and of course I cannot believe anything deceptive on the part of the right hon. Gentleman. And how was it inadequate ? The right hon. Gentleman intimated to the Committee and the country that he thought it would be necessary during the year, or perhaps early in July, to apply for further supplies. This, of course, every Minister might feel it his stern duty to do. On the 6th of March, however, the Committee was put in possession, generally speaking, of their financial responsibilities and requirements. If that were not his intention, what was the meaning of that precise and almost pedantic vote for Exchequer bills to the amount of 1,750,000*l.* to be paid off out of the produce of the taxes in November ? The scheme of the right hon. Gentleman, such as we understood it on the 6th of March, and as was certainly expressed by him in a statement made on that occasion, was, that his estimates, on the whole, gave a fair idea of the requirements of the country, and of the responsibilities of Her Majesty's subjects in consequence. What did we then do ? We had some slight controversy on the management of the finance, and the right hon. Gentleman was advised by some to raise the requisite sums to put his balances in a fair condition. The House then adjourned for the holidays; they then saw that the right hon. Gentleman and the First Lord of the Treasury were raising money, and the mode in which they proposed to do so was strange and quaint. The House met and expected to have some discussion on this attempt to raise money by the Government, which had, we supposed, not been successful; but the whole was forgotten in the circumstance that, though the Chancellor of the Exchequer had before the Easter holidays given estimates of the expenditure —as to how much would be necessary to take out and bring back the troops— although the sum of 1,750,000*l.* had been provided for by taxes payable in November; yet, notwithstanding this, what was our surprise when we were summoned to learn that the table groaned under increased Estimates, and that nearly 6,000,000*l.* more were required ? Nobody objected to Her Majesty's Ministers asking for 6,000,000*l.* or 12,000,000*l.*, if they thought that the interest and honour of the country required them ; but that of which we complained was that the Minister of Finance, who had been called upon to investigate great questions that affected the country—who must have necessarily and naturally have placed himself in connection with his Colleagues at the head of the various departments— had made estimates on the 5th of March, which, during the interval of the holidays, were found to be erroneous to the amount of 6,000,000*l.* sterling.

We now, Sir, have the consequences of these continuous and systematic errors in the administration of our finances—namely, an attempt by the Government to raise a loan—for such I must still style it until better informed of the object and proceedings of Her Majesty's Treasury. I need hardly, Sir, recall to the Committee the circumstances which attended that proposal; even the right hon. Gentleman himself cannot pretend that this was a successful endeavour on his part. He has not yet come forward to confess that it was an abortion; but he has also not yet advanced to tell us that the attempt to raise 6,000,000*l.* by three series of Exchequer bonds was a successful operation. This attempt was accompanied by some of the most remarkable circumstances that have accompanied financial transactions of this kind made by an English Minister. At a time of unrivalled prosperity, at a time of unexampled wealth—the country engaged in war, with all their feelings enlisted on behalf of their Sovereign and those who wielded authority under Her—the Chancellor of the Exchequer suddenly appears in the market to borrow 6,000,000*l.* at 4 per cent, and is absolutely unable to raise the funds which he requires! What the Emperor of Russia must have thought of the business it is impossible to ascertain, but I think he would put it down as a countervailing incident to the bombardment of Odessa at the least. It is a mystery to men of business how the right hon. Gentleman could have managed to have brought his enterprise to such a ruinous conclusion. In that wild desert the City of London, inhabited by—I will not say savage beasts, though there are some "bulls" among them, and the rest are "bears"—in the City the Chancellor of the Exchequer is supposed to have some knowledge of these animals; but the right hon. Gentleman would not content himself with "bulls" and "bears," but aimed at higher prey, and nothing would satisfy him but to bring down the antlered monarchs of the forest, and all the "stags" of London, to contribute to maintain the credit of the Chancellor of the Exchequer. The right hon. Gentleman was actually under the necessity of striking out 200,000 or 300,000 of the subscriptions to his bonds, on which no instalments were paid. This mismanagement of the finances, though slight, was the occasion of a great deal of public scandal, and does no good to the public credit. I speak not from hearsay, for, through unknown contributors, I have here some documents in my possession—letters from three persons, most obscure, penniless varlets, all subscribing for 5,000*l.* of Exchequer bonds. It is a striking fact that these fellows, without a roof, not only subscribed for 15,000*l.* of the Exchequer, for 5,000*l.* of each of the series, but they received an offical answer. What was that reply? That the Government would grant their request? Much more than that. The reply was not only granting the request, but begging, as a particular favour to the Government, that they would take the whole of the subscription for the series A bonds, and that by doing so, they should enjoy all the advantages and privileges which they might obtain from series B and C. The Chancellor of the Exchequer, with that array of phrases which he has at command, may pretend that this scheme equals the Loyalty Loan of Mr. Pitt, whom he so much admires, but I think that all acquainted with the subject must have felt annoyed that the Treasury of England should be placed in so ridiculous a position; for not only could the right hon. Gentleman not raise 6,000,000*l.* at 4 per cent, but he absolutely gave occasion to circumstances which make the public functionaries contemptible in the eyes of the country. Who would have supposed, when we listened to the right hon. Gentleman as he touched upon these matters in an indignant spirit of self-defence, that he had been in correspondence with all the "stags" of London? The right hon. Gentleman came forward as though he were to be the victim of the Government he has served; he asserted that he would not allow his Colleagues to share the faults he had committed, which are to his mind so patriotic; and he took refuge in a quotation more classical than novel. From so accomplished a scholar as the right hon. Gentleman we might have expected a more felicitous line. The Committee will recollect the circumstances which attended the events that called for that exclamation, and I think the right hon. Gentleman must, in making it, have ventured on the forgetfulness of others. The Committee will remember when the young gentleman alluded to was, with his companion, like the Chancellor of the Exchequer with the First Lord of the Treasury, detected in having plundered the Rutulian public, he exclaimed—

"Me, me, adsum qui feci, in me convertite ferrum!"

I am surprised that the right hon. Gentleman could resist, with his knowledge of the original, the infinite humour of the succeeding line, and not have quoted it—

> "O Rutuli, mea fraus omnis."

That I think would be a good motto for his new Exchequer bonds. Let us now consider whether we ought to agree to the proposition which the right hon. Gentleman has placed before us. I have traced a series of financial errors, which have brought the right hon. Gentleman to his present condition; and finding it impossible to escape from the pains and penalties of an empty Treasury and an exhausted Exchequer, he has at last been obliged to propose this loan in masquerade. It is impossible to add to the force of the objections which my hon. Friend the Member for Huntingdon (Mr. Baring) has urged against the inconvenience and impolicy of raising money in this manner; it is usual to raise it in a cheaper and infinitely more convenient way than can be done by this fantastical expedient. I will not dwell upon the inconvenience, and even danger, of the course now recommended, because higher authority has touched on this subject in an admirable way; but I will put it in a manner which must flash conviction on the House, not by reason, not by argument, not by detail, but by a pregnant instance—by example and experience—as to what may be the injurious consequences of the system of finance now recommended by the Chancellor of the Exchequer for raising money. I will take the last case, in which a loan was raised in 1847, for a great national purpose by one of the right hon. Gentleman's predecessors; it was raised in the old-fashioned style, with the official routine which people understand, and by a mode which generally succeeds—namely, by getting for 100*l.* Consols as much as you can; by this means 8,000,000*l.* were raised by the right hon. Member for Halifax (Sir C. Wood) in 1847. It was a gloomy period, and the right hon. Gentleman went into the market with disadvantages which the present Chancellor of the Exchequer has never experienced, and yet the right hon. Member raised 8,000,000*l.* under the old system, and did not affect the price of Consols one-half per cent. But suppose that the right hon. Gentleman had raised these 8,000,000*l.*, not by the salutary system on which he proceeded, but by the fantastical projects of the right hon. Gentleman the Chancellor of the Exchequer—suppose that, in 1847, he had agreed to pay back Exchequer bonds in 1854, 1855, and 1856, to that amount, I should like to know what would have been the condition of the country at present?

The Committee should not allow any feeling but the public interest to influence them in this vote. It is idle to talk of this question being a question of confidence—it is mockery to contend that the vote we have to give is one of confidence to the Minister. A question of confidence to the Minister, indeed, who has asked us for 10,000,000*l.* of taxes, and has virtually received them, and we are not to set our mark against that system of administration of finance, which we think not only inconvenient, but which may prove, as I have shown, most injurious and intolerable to the country! I am sure that the Committee will on this question vote according to that which they believe is for the advantage of the country. Sir, my opinion is, that the advantage of the country will be best consulted by following, as much as we possibly can at this moment, the precedents we possess for raising the ways and means of the country. Now, I say that there is no precedent for the policy of the right hon. Gentleman, which has this most anomalous feature—it is paying off the amount of old debts while, at the same time, it is increasing taxation to carry on new wars. The right hon. Gentleman is defraying the legacy of burden which old wars have left to this country, and at the same time he is raising taxes within the year entirely to carry on new wars. The right hon. Gentleman laid down, the other night, a variety of principles on which he thinks the finances of the country ought to be managed in a time of war; and the Secretary to the Treasury has to-night re-echoed the same opinions, and quoted the authority for them, which the right hon. Gentleman did not—for all the opinions which he favoured the Committe with as to the expediency of raising the supplies for carrying on the war within the year, and not having recourse to loans, are a reproduction from the "Financial Reform" of Sir Henry Parnell, in language as well as sentiment. The name of Sir Henry Parnell will always be mentioned in this House with the respect which it deserves. He was a sound financier and a skilful economist, but he was not a great statesman, and he was not a man who, if he had had to decide on the means of carrying on a war, would have had recourse to any other maxim than the rule of three, or supposed that it could be conducted on any other plan than the severest principles of political economy. But there are other principles to be looked at, with such an end in view, than the favourite doctrines of Sir Henry Parnell; you must look a little to the temper of a people—to the character, the passions, the weakness, the genius of a people—and you must conduct your war, no doubt with some regard to scientific finance, but also with some regard to the spirit of the age and the country. There is this difference between the work quoted by the right hon. Gentleman, of which he appears a disciple and an ardent votary—there is this difference between a man who acts upon such views and Mr. Pitt, that it is possible he may carry small matters to a successful conclusion, but I should not like to see him intrusted with the management of great enterprises. The right hon. Gentleman told us that Mr. Pitt was not a good war Minister, and he indulged in very free and flippant criticisms of the career of Mr. Pitt. It is well to be accurate in trifles, and I do not believe that the phrase "heaven-born Minister," which came in for a passing censure, originated with the Stock Exchange. I believe the fact to be that it had a more patrician origin, and that it was the Duke of Chandos who, in the House of Lords, called Mr. Pitt a heaven-born Minister; and, therefore, the sneer of the right hon. Gentleman on this head was hardly correct. But if the right hon. Gentleman will allow me, I trust without offending either himself or his friends, I would presume to give him a piece of advice; I would give over these unworthy sneers, levelled at the reputation of a great Minister. I would, if I were the right hon. Gentleman, confine myself in future to self-glorification, an art of which, I admit, that the right hon. Gentleman is a master. Let him dilate upon the astuteness with which he effects the conversion of South Sea Annuities; let him dwell upon the intrepid courage with which, to show his spite against the party he has quitted, he can double the malt tax; but let him cease from these reflections upon the memory of a statesman who, I can assure him, is still dear to the people of England. Let him remember that Mr. Pitt, whatever may have been his failings in the opinion of the right hon. Gentleman, held with a steady hand the helm, when every country but Great Britain was submerged in the storm; and when he taunts Mr. Pitt with courting bankers and money-lenders, he might also remember that that Minister owed to a grateful country an eleemosynary tomb.

The CHANCELLOR OF THE EXCHEQUER: Sir, both the lateness of the hour and the recollection of much former indulgence, I may add too, the debate, or at least my view of the debate, which the Committee have heard to-night, combine to impress upon me the necessity, while gratefully acknowledging that former indulgence, of not again taxing the favour of the House by detailed statements and elaborate calculations. The speech we have just heard from the right hon. Gentleman (Mr. Disraeli), and the speech with which the hon. Member for Huntingdon (Mr. Thomas Baring) prefaced his Motion, consisted in great part of references to what they have termed my financial errors. Now, with respect to those financial errors, if such they be, all that I have to say may be summed up in three or four sentences; because I think, after having listened to the discussion, that we have at length pretty nearly exhausted all that can be said upon these questions—a matter, I venture to think, of no small consolation to the Committee. The case stands very simply thus. The right hon. Gentleman says that the first financial error was the error of reducing the rate of interest upon Exchequer bills. On that head I fairly tell him, and I fairly tell the hon. Member for Huntingdon, that I have nothing to retract and nothing to repent; for, in my opinion, the reduction of the interest to the public was both a great and a most legitimate advantage. And the reduction of the amount of the unfunded debt in June last was another great advantage (though one of which subsequent circumstances have robbed us), that being also the first time since the peace when a large reduction of the unfunded debt has been effected without any loss whatever to the public. So far, then, as that subject is concerned, I hope the right hon. Gentleman, if he is disposed to do so, will not scruple to bring it before the House; because this House is the ultimate judge upon what principles every department of our finances should be managed. I have announced plainly and without disguise the principles upon which I have proceeded. In the first place, I have urged that the public is entitled to borrow upon the best terms on which holders of money are willing to lend; and, in the second place, I have contended that the sound policy is to reduce your unfunded debt in easy times, in order that you may be able to make an effective use of that great instrument in times of difficulty. These are the principles on which I stand, so far as that question is concerned. The right hon. Gentleman says truly that I do not recede from those principles; it is for him then to consider whether he chooses to submit the issue between him and myself to the judgment of the House of Commons. With respect to the second subject, that of the conversion of the minor stocks, I really have nothing to do but to repeat—and it is needless for me to do that—what I have stated on former occasions. The right hon. Gentleman accuses me of self-glorification; he says that I have not spoken upon that subject with sufficient humility; I have only described it as an "abortion," and that he thinks is a phrase savouring much of conceit on my part, and very far from expressing what is due to the character of the measure. Well, Sir, I can only say that if the right hon. Gentleman will himself form a frame of words which he thinks ought to be put in my mouth in the shape of a confession, I will see whether or not I can accept it; but if he undertakes that task, I very much doubt whether he will be able to invent a stronger form of description than the word I spontaneously used at the commencement of the Session. The right hon. Gentleman, as he lengthened his elaborate catalogue of the delinquencies of the Chancellor of the Exchequer, appeared to me to have stolen a march upon us when he made one error do duty twice—for the error as to the unfunded debt passed muster as the first, and subsequently as the fourth on his list. I take the liberty of retrenching that excrescence, and having retrenched it, I have done with the subject of the unfunded debt.

Speaking first to those points upon which the right hon. Gentleman laid the smallest stress, I come to another charge—the charge that I had tampered with the funds of the savings banks, and that there had been, as appeared from the papers laid on the table, in consequence of that tampering, a loss to those persons who had invested their money in savings banks. Now, I must again say that I rebut and repudiate the charge of having tampered with the funds of the savings banks. I have done with them precisely that which it is the duty of every Finance Minister to do; when the money which is deposited in the savings banks comes into his hands, he is bound to invest it according to what he believes to be best for the interest of the country. I must confess that it is my own strong opinion, and, speaking generally, I suppose it will be the opinion of the House, that the Chancellor of the Exchequer ought not to apply savings banks money to meet a deficiency in the revenue of the year. I, Sir, have done, as the right hon. Gentleman knows, no such thing. What, then, have I done? I might have invested the money received from savings banks in reducing the funded debt; I invested it in reducing the unfunded debt. Further, to a limited extent I purchased Exchequer bills with the proceeds of stock sold for the purpose. The creation of stock which took place was a creation of stock against reduction of the unfunded debt. In that way it took place, and, I say, that if you will examine the reduction which was effected in consequence of the purchases made with the moneys of the savings banks, you will find that it was a more economical reduction—a more economical funding of Exchequer bills, for that is what it amounts to—than had ever been made upon any former occasion since the peace. I, therefore, entirely rebut the charge of tampering with the money deposited in the savings banks. I am prepared to show in the minutest detail that the operation was both legitimate and beneficial; and I invite the right hon. Gentleman to enter into that subject on some occasion when it may be fairly discussed. But I cannot express the astonishment with which I heard the right hon. Gentleman say that the consequence of my tampering with those funds had been a loss to those who had invested their money in the savings banks. Why, I spoke the other night of mythical histories; but I really begin to doubt now whether it is not a mythical history that the right hon. Gentleman was once Chancellor of the Exchequer himself, and that, being so, he was himself the trustee and manager of these monies, amounting to some 32,000,000*l.* sterling, which have been received from savings banks. Why, when the right hon. Gentleman brings this charge, he either has never known, or has entirely forgotten, the terms upon which these monies are held; and his statement that there has been a loss to the investors is so mischievously absurd, that I am bound publicly to state to the House what I really should have hoped it would not have been necessary for me to state, at any rate to the right hon. Gentleman—namely, that the use made by the Chancellor of the Exchequer of the savings banks moneys has no bearing whatever upon, and no conceivable connection with, the security of the parties for the amount invested by them. These investments are investments made by the State, for account of the State, and at the risk of the State. The covenant of the State with the depositors in savings banks is a covenant totally irrespective of that investment —the money, when once received, becomes the money of the State, and all these facts, I am almost ashamed to state, are elementary facts in the business of a Chancellor of the Exchequer.

But, Sir, the right hon. Gentleman stated, and I think truly, that this was not the gravest error which I have committed. He said that the great error of the last year, among the series of five errors which he enumerated, was the error of the peace Budget. Now, Sir, I wish to know whether the hon. Member for Huntingdon and the right hon. Gentleman are or are not prepared to challenge a verdict either from this House or from the country upon the financial measures proposed in the Budget of 1853. One would suppose, from the language of the right hon. Gentleman, that that was the case—for the measures, measures of the Government, and not of the Chancellor of the Exchequer only, measures of the Legislature and not of the Government only, are denounced in their principle and root. We have had the doctrine laid down to-night, that no taxes whatever ought to be repealed when there is a chance of this country being engaged in a war. Now, Sir, I wish to inquire, first of all, what are the merits of that doctrine; and secondly, what would have been our position if we had ventured to act upon it last year? Should we have succeeded? Should we at any rate have had the aid of the right hon. Gentleman in our attempt? Why, Sir, we had the greatest difficulty in defending the taxes of the country from the rapacious fingers of the right hon. Gentleman. Not following the course which had been usual with an ex-Minister of Finance, the right hon. Gentleman thought he best discharged his parliamentary duties by joining with every vote, and catching at every vote, for the repeal of this tax or of that. One week it was the hop duties —another week it was the advertisement duty, which he, as a Minister, had declined to repeal—another week it was the Consolidated Annuities, which he, as a Minister, had declined to remit. One week it was one tax, another week it was another tax; but I am in the recollection of the Committee when I state that twice a week usually, during the Session of 1853, until the time of the Budget, it was my duty—namely, on Tuesdays and Thursdays, to appear in my place for the purpose of defending — and not always successfully—the finances of the country against attacks either joined in or led on, or even brought about by the right hon. Gentleman. I should like to know what would have been my chance if at that time I had ventured to lay down the doctrine that as long as there was a chance of war, no tax should be repealed.

But now, Sir, let us advance a little further, and consider for a moment; is that doctrine a sound doctrine, or is it not—is it one that is in accordance with the dictates of prudence and common sense? What is the situation of this country at all times with respect to the chances of war? Why, with the empire you possess, with your extended relations, with the arms of Britain's power and influence encompassing the globe, there is always a chance of war for this country. There has been no period almost, and certainly there has been no period for many years past, at which there have not been grave questions in agitation, sometimes in relation to one Power and sometimes to another, sometimes in relation to one continent and sometimes to another, any one of which might have issued into war, many of which have seemed each in their time to bear but too much the fearful likelihood upon them. If we are to be bound by this doctrine, you will find that if you are to wait for a period of absolute and entire tranquillity throughout the world, you will never repeal, never lighten, never improve, your taxes. And now, Sir, I am obliged to say—and that without rendering myself liable to the charge of self-glorification — because the Budget of 1853 is the Budget of the House, which adopted it, and of the nation, which approved it—I am bound to say that, at this moment, I do not regret the repeal of taxation which took place last year. I do not regret those diminutions of taxes; they gave an immense stimulus to the trade and commerce of the country, and the happy result of the legislation of last year, and of other similar legislation was this, that after a great remission of taxes, after perhaps the worst harvest for near forty years, and with war first imminent and then flagrant in Europe, at the close of the year we saw a surplus revenue of nearly 3,500,000*l.* Again, I say, this question goes very deep; it opens up the history of past years—it opens up the policy with which the right hon. Gentleman and his adherents were so long identified—namely, that policy, which declined to reform the finances of this country with a view to the expansion of its industry and trade —that policy, most fortunately the very opposite of the policy which has governed the proceedings of Parliament now for a period of ten or eleven years, and the happy and blessed fruits of which the people of England are reaping at the moment when I address you.

Sir, the right hon. Gentleman adverted to the charge which I made against him with respect to the income tax. I think he was perfectly justified in referring to that imputation; but I wish him to understand that he has entirely misconceived the nature of the charge which I made against him. He says my charge was, that in December, 1852, he did not lay upon the table of the House the schedules of the income tax. I made no such charge against him. What I said was, on the contrary, that he did lay them on the table. He did lay upon the table the schedules of the income tax, and he accompanied them with a declaration that Schedule A was to be taxed at 7*d.* in the pound, that Schedule C was also to be taxed at 7*d.* in the pound, and that Schedules D and E were to be taxed at 5¼*d.* in the pound; and my charge against him was this, that when he propounded that plan with the authority of the Government to which he belonged—a plan that would completely alter and transform, I might say subvert, the income tax, which is the keystone of our financial system—he had not prepared any plan for carrying his proposition into effect, and was, therefore, himself in total ignorance whether it was feasible or not. That was the nature of my charge, and I founded it, not upon a mere rumour or upon any indirect information, but upon the declaration of the right hon. Gentleman himself, because, when charged by my right hon. Friend near me (Sir J. Graham) and by others with the absurdities which would result from the operation of the schedules as he had produced them—when it was shown that at every step there would be flagrant violations of the very principle he had laid down, there was no attempt made by him to vindicate these strange anomalies; the answer of the right hon. Gentleman was that he had not had time to look into the schedules. It was plain, therefore, that that was the only adequate answer which the right hon. Gentleman could make to the suggestions thrown out by myself and by my right hon. Friend.

I hope, therefore, it will be understood by the right hon. Gentleman that my charge is this, that in a matter of the greatest public moment, with immense dangers dependent on his failure, he made a promise to the House which he had never taken the pains to inquire whether he could or could not redeem. I go on, however, to the next error as regards the peace Budget, and this is a question worthy of grave consideration. The right hon. Gentleman and others mix up, in a manner not altogether convenient for the discussions in this House, the responsibilities which attach to the department of finance, and the want of foresight and forethought which they impute to the Government with reference to the war in which we are engaged. I have stated on a former occasion, and it is unnecessary to restate now, what was our position on that head. If the Government were wrong in their anticipations of continued peace, and if they fell into error upon that point, that of itself is a subject for discussion and consideration, for attack and censure, in this House. We do not shrink from the issue. We do not think the Budget was a bad Budget, even for a time which might be thought to threaten war. We did, however, found that Budget upon principles applicable to peace, and we proceeded, under the belief that, instead of sacrificing the revenue of the country, we were thereby greatly strengthening its resources, and preparing it for every contingency. Nay, Sir, we did more. I should like to know whether the right hon. Gentleman has ever considered the moral grandeur of the spectacle which the people of England present at this moment in the willingness they display before the world to make great and generous efforts for a just and necessary war? It is, indeed, a noble attitude in which the people of England stand. There is exhibited a willingness to undergo additional taxation, such in its degree as, I think, has rarely been seen in former times. And why is this—why do the people show that willingness? Because, Sir, they have confidence in the House of Commons—because they see that it has been the study of Parliament to remit taxes, and to relieve them from burdens, whenever such remissions could be made. And in my opinion, the financial measures of last year, which remitted such a large amount of taxation, together with the series of similar measures which preceded them, form no small part of the cause why the people have evinced so marked a disposition to back the wishes of this House, and to make a gallant effort to provide by immediate sacrifices for the great expenditure which it is necessary to meet.

Sir, to sum up this part of the case, the substance of what I have to say in regard to my own past conduct is this—that it seems to me that these are questions which, to use an ancient phrase, have now been fairly "bolted to the bran." I think we now know pretty well all that can be said, for or against, in respect to them, and it is time for the House, or for any Members of the House, if they wish to do more, to proceed to consider their definite shape. In the meantime, it is needless for me to detain the Committee any longer upon the matter of the unfunded debt, the conversion of the minor stocks, or the alleged tampering with the money of the savings banks.

Sir, the hon. Member for Huntingdon (Mr. T. Baring) made a speech to which I listened with a sense that, while it was the speech of a Gentleman opposed to the Government as a member of a party, and belonging to a most powerful and highly respected class, with which, and with whose apparent interest, quite contrary to my desire, circumstances may seem to have placed me for a moment in conflict, yet, at the same time, it was the speech of a Gentleman who stated nothing that he did not sincerely and conscientiously believe, and the speech of one, moreover, who well knew how to place his opinions and sentiments before the House with every advantage that they could derive from perspicuity and force. I might even go a little further, and say, that if there was one sentence in his speech which appeared to me entirely out of place, it was that in which he alluded to his own want of aptitude and of custom in addressing the House, and apologised for having ventured to speak upon a question of so much importance. I must say, on the contrary, that the hon. Member, if he had not proved it before, has certainly proved himself, by his speech to-night, to be a first-rate parliamentary artist. I never knew a man to make either a more elaborate or a more effective use of his materials. It appeared to me that he ascended to the very height and summit of Parliamentary oratory, for I never saw a Gentleman display so much dexterity in fixing the attention of the House upon matters of secondary importance, on which we did not and he does not ask you to vote, and in shading over and putting and keeping out of sight the Resolutions upon the table—which form the actual Motion before the House—and his own Amendment upon them. Now, my purpose is, Sir, to draw the attention of the House to those Resolutions and to the Amendment which has been submitted by the right hon. Gentleman.

Sir, the Motion on the table has been described by the right hon. Gentleman opposite as involving "a loan in masquerade." I have already on a former occasion stated to the Committee why I think that description is fundamentally untrue. Criticisms may doubtless be made upon that project. One has already been made by the hon. Member for Wick (Mr. Laing), who says that it would be wiser to issue the Exchequer bills at a higher rate of interest. I am disposed to coincide with the justice of that criticism. The rate of $3\frac{1}{2}$ per cent was fixed at a time when, according to the best advice I could receive, there was reason to suppose that money might have been raised at that rate; but circumstances have changed since then, and perhaps, with the permission of the House, I may advantageously amend the Resolution by saying, "at any rate not exceeding 4 per cent." I wish, Sir, to describe to the House what is the meaning and intention of this proposal. When, in March last, we proposed that we should be authorised to levy a double income tax for the first half of the financial year, taking into view the interval which would necessarily elapse before we could receive the proceeds of that tax, we asked for power to raise 1,750,000*l.* by Exchequer bills. When we came, at a later date, to make a further statement to the House, and to propose to raise nearly 7,000,000*l.* of new taxes, we had to consider that not only the same, but a more considerable interval must elapse before the proceeds of these new taxes would reach the Exchequer. The second half of the income tax will yield us about 3,250,000*l.*, but no appreciable proportion of that sum will be realised within the financial year at all. It will only begin to be realised, with certain small exceptions, after the month of April, 1855. Nearly the same is the case with regard to the other duties. With respect to the malt duty, the proceeds of which formed the principal item in the catalogue, after the income tax, it will not begin to be realised in any considerable amount until the winter has approached ; and therefore it followed, as a matter of course, that when the right hon. Gentlemen near me had framed in their several departments their estimates of what the war expenditure would be—a work of no small difficulty—it was our duty, after determining to call upon Parliament to make an effort to meet that expenditure by new taxes, likewise to make a proposal with regard to a temporary supply of money to meet the exigencies of the public service before these taxes could be received. Now, Sir, the lowness of the public balances may no doubt be referred to in this matter; and it is true that to some extent—perhaps to about the extent of 1,000,000*l.*—it might have been necessary, or, if not necessary, yet desirable, to raise money even irrespective of the war. But, Sir, that was a small matter. It is but a partial and minute cause, if a cause at all, of the proposal of the Government, and has reference to a very small fraction of its amount. The ground and object of the proposition that we are making to the House are twofold. In the first place it is necessary to anticipate the taxes which the House has been pleased to vote so as to supply ourselves with funds to carry us over the interval before the taxes can be realised. In the second, it is impossible at the opening of a war to form a reliable calculation of what our expenditure will be for twelve months. In 1793, Mr. Pitt thought he made an adequate provision for the expenses of the war by creating 6,000,000*l.* of funded debt, which realised 4,000,000*l.* in money; but so far did the expenditure exceed his estimate, that he was obliged to create some millions of unauthorised debt in the course of the year. I pretend not to foresee what will be our expenditure under circumstances like these, but in order to endeavour to provide for the future as far as possible, we ask you to give us this considerable margin—this, I admit, extensive power of raising money, with a view to the services which may be sanctioned by Parliament, or which it may even under possible circumstances, such are the imperious exigencies of war, be necessary to undertake without the sanction of Parliament; in order to meet this extraordinary state of things—a state of things unknown to our experience, known to us only from history, and which is brought about by a general European war. These are the grounds upon which the proposal of the Government rests. Is this, then, really to be called a loan or not? What says the hon. Member for Huntingdon? He undertakes to define a loan, and he defines it in such a manner that his definition absolutely excludes everything known by the name of a loan in this country. He says it is something which, in some form or other, you are engaged to repay. Well, that is precisely what a loan in this country is not. For if you were to give a rigid definition of a loan in this country, it means a sum of money taken on condition of paying for it a perpetual annuity, but upon the condition that the lender has no right to reclaim the capital.

MR. BARING remarked that what he said was that a loan was a sum of money for which the lender got some return in some shape or other. He got a return in the form of interest.

THE CHANCELLOR OF THE EXCHEQUER: Then the word "return" as it was used by the hon. Member, if at least I heard him rightly, is a very ambiguous word. It is quite obvious that it was the natural interpretation of the word, when so used, to suppose that it means a return of the capital borrowed. However that is really a mere question of words, and nothing turns upon it. You will not dispute that Exchequer bills are not a loan. If you describe them as a loan you are playing with words and no one would understand you; but they are as clearly something "for which the lender gets a return" in interest, and in capital too.

They are a temporary borrowing of money. Well, I do not wish to quarrel about a question of terms. If you choose to say that Exchequer bills are a loan, then I must call on you to be tried by that principle; and in that case what in the world is meant by those who charge me from the other side with having promised on the 6th March that no loan should be raised at the very time when I had proposed on that very 6th of March to raise 1,750,000*l.* by Exchequer bills? I pass away now from the word loan to consider the thing. These Exchequer bonds you may call a loan or not; but they are not the creation of a new stock; they are not, of necessity, they are not by their own nature, the contracting of a debt, permanent in its form and character. They are temporary engagements, as the need which they are to meet is temporary. That with which you should compare them, if you wish to understand their nature, is the unfunded debt of the country. They belong to the unfunded debt of the country, only they are in a form more durable than that of Exchequer bills. Such, Sir, is the nature of the plan we propose, with a view to provide for the interval before the taxes can be realised, and with a view to give us that large command of money which in such an exigency as the present the Government may require, without resorting to the other and much severer alternation of asking you to place in our hands the power to raise by taxes a sum much larger than we have demanded.

But I am desirous, Sir, that the Committee should understand that the sum which we propose to take power to raise is not one that is immediately wanted. It is not the sum which is required for the services that have been laid before the House in the form of Estimates. It is a sum intended both to anticipate taxes by meeting services already known to be in prospect and to give an ample margin to Parliament and to the Government for whatever services, as yet unknown, the course of the financial year may bring into view. Well, that is the view of the Motion that is before the Committee. And now I ask, what are the objections to it? They are difficult to grasp; is it stated that these Exchequer bonds are an undesirable form of security? For now, having described the Motion before the Committee, I must come to the consideration of what is the nature of the Amendment. In doing so, I am bound to say, this is the part of my case which I enter upon under a sense of the greatest difficulty. It was with the utmost curiosity I listened to the hon. Gentleman when he came to this part of his speech—a part which, I must say, stood in strange contrast with the rest. Nothing could be more effective than that part of the hon. Gentleman's speech in which he criticised my financial operations —nothing more limping (if I may use the term) than the argument of the hon. Gentleman when he described and defined his own Amendment. Does he, or does he not, mean to tell us that Exchequer bonds —that is to say, documents on the whole of the nature of Exchequer bills, but current for a longer period—does he mean, I say, to tell us that the opinion of the City of London is adverse to the creation of such a security? The hon. Gentleman has carefully avoided making any such assertion. It is very well for the right hon. Gentleman opposite (Mr. Disraeli) to refer to the various classes of wild animals known within the precinct of the city, with whom, according to his own account, he has been in correspondence. The right hon. Gentleman having imparted to the Committee the valuable information which has been privately imparted to him as a matter of favour, I possibly may likewise not go far wrong if I acquaint the Committee with certain information that has also been imparted to me as a matter of favour. It is to this effect:—That some of those letters which are sent out from the Bank to all proposed subscribers—I apprehend as a matter of form, on all such occasions, and before the payment of the deposit, which is the decisive time for determining whether the transaction shall go on—that certain of these letters were purchased at a low rate by gentlemen, who did it with a view to amuse themselves by sending them to the right hon. Gentleman, as they were pretty certain that he would turn them to some kind or other of account in the House of Commons. That is the counter-information which has reached me through some of the private channels of information to which the right hon. Gentleman has referred. But does he, any more than the hon. Member for Huntingdon, venture to state that the Exchequer bonds are a kind of security which has been condemned by public opinion in the City of London? Again, I say, neither he nor the hon. Member for Huntingdon has thought fit, though the nature of their motion to-night really required it of them, to make any such bold assertion. Now, Sir, I claim no credit for the invention of these securities. Their creation was recommended to me by persons of great weight, and with whom the hon. Member for Huntingdon himself is, I dare say, in frequent communication. My belief is, that they form a very rational and convenient kind of security; and although of course there are difficulties in the establishment of any novel kind of security in the London money market, which make the course of such a transaction less smooth than if we were dealing with matters entirely known and usual, yet I do not hesitate to express my belief that public opinion is in favour of the creation of such securities. What, then, does the hon. Member for Huntingdon mean by his Motion? He does not mean boldly to condemn Exchequer bonds. Does he mean a vote of want of confidence in the Government? He did not say that he meant a vote of want of confidence; and I will not discuss the motion on that ground, because the right hon. Gentleman opposite said it was idle to treat it as a question of confidence or no confidence; for he said the Committee had a perfect right to pass a judgment—and so I agree with him, it has—upon the means proposed by the Government—for what?—not the means proposed by Government to meet the exigencies of the case, for that has been done by the taxes which have received the sanction of the House—but the means to make a temporary provision in anticipation of the proceeds of those taxes. I do not treat the Amendment, therefore, as one of want of confidence:—but if it does not mean that, if it does not mean anything at all that we can discover except mere objection and impediment, what does the Motion mean? The hon. Member for Huntingdon does not say that we are making an unreasonable demand—that we are asking too much; nor does he deny that the taxes which have been newly voted will have to be anticipated by some provision in the way of ready money. Reference has been made to Sir Henry Parnell; now Sir Henry Parnell states, in his able and very useful work on finance, that one great reason for reducing a large unfunded debt was, that at the commencement of a war it deprived Government of that command over Exchequer bills which might be so beneficially employed until the war taxes should become productive. That is precisely the case and the contingency, with reference to which this proposal is brought forward. We wish at this most appropriate season to make this most appropriate use of an unfunded debt. The hon. Gentleman, then, does not refuse the motion because the sum asked for is too large—he does not venture to condemn Exchequer bonds, as an inconvenient form of security, or as unacceptable to the capitalists of London. He has not stated that I am wrong in asking for Exchequer bonds instead of Exchequer bills. I heard the hon. Member, indeed, say at one part of his speech that the money might have been raised by Exchequer bills if I had not destroyed the market by my injurious measures; still, according to him, it is destroyed, therefore I am right in not trusting to it. And yet he does not define what his Amendment means. Since, then, we cannot get a definition in plain terms from the hon. Member, I must endeavour, by the process of exhaustion, to extract an affirmative proposition by showing what it does not mean. It does not mean that we should have raised the money by Exchequer bills, because he said that we might have done it if we had not spoiled the market; and of course, as I have said, if the market was spoiled, it is clear that we could not take this course. We are agreed that the money is wanted, that we do not ask too large a sum, that it cannot be raised by Exchequer bills; but Exchequer bonds are refused by the Motion at the same time that they are not condemned. The hon. Member himself, we have seen, does not think fit to say that they are a form of security of which he disapproves, or that they are a form of security disapproved of in the City of London. Well, then, I ask the Committee what is the meaning of this Amendment? I must say that I am only aware of one meaning that it can have. It appears to me, after watching the debate carefully, that the meaning of the Amendment is, that there should be a loan in the ordinary sense of that word—that there should be a creation of stock. I do not see that the hon. Gentleman is disposed to deny it. I certainly think that is the inference to be drawn from the speech of the hon. Gentleman; indeed, I think it was declared by him with tolerable plainness and ingenuousness. It appeared even still more clearly in the course of the debate;

for the hon. and learned Gentleman the Member for Belfast (Mr. Cairns) stated that he thought there should be an equitable adjustment of burdens between ourselves and posterity. Well, Sir, I was very much struck by that phrase, "equitable adjustment." It seems I was wrong in the conjecture I repeated from others with respect to the birth of the phrase "heaven-born." Let us see if I shall be more happy in tracing this other phrase to its origin. I think it was a phrase invented by Mr. Cobbett, and intended to describe the terms on which what is familiarly called "the sponge" should be applied to the national debt—it meant with him the composition which the nation should make with its creditors; and now the hon. and learned Member for Belfast proposes an "equitable adjustment" of burdens between the present generation and posterity, and I think his plan did pretty well correspond, as to its inequality, with the idea of Mr. Cobbett; for his plan of equitable adjustment was simply to borrow in the money market whatever you may require for the expenses of the war. Well, that is the plan of the hon. and learned Gentleman the Member for Belfast. The right hon. Gentleman opposite held, as I thought, very much the same language. I think what he said amounted pretty much to this —that it was better, if we wanted to raise money, to raise it in what he calls the usual manner; and that he thought we should follow as much as possible what he modestly and cautiously termed the precedents in our possession. I could not help being struck on an early night of the Session—I think the first evening on which we had any financial discussion—by a sentence which fell from him. He said, "You had better go and borrow seven or eight millions now; for if you do not do it now you will have to do it hereafter, and you will then have to borrow it on worse terms, and at a higher rate of interest." That recommendation showed me that the right hon. Gentleman greatly cherished and was deeply enamoured of the idea of a loan. Well, the right hon. Gentleman has thought fit to taunt me to-night with having proposed to increase the malt tax out of spleen towards the party which he states I have quitted. I cannot, Sir, enter on any such discussion with the right hon. Gentleman. If there be those in this House who think that either I myself could be actuated by such motives, or that, if I were, my Colleagues would give me countenance in such baseness, Gentlemen of this disposition must undoubtedly be quite beyond the reach of such feeble argument or expostulation as I could offer to them. I, therefore, wish the right hon. Gentleman to understand that if he should think fit to repeat charges of that nature in this House, they will receive from me, at least, no other answer than silence may be understood to supply. But I go back to his love of loans. I cannot help reminding the right hon. Gentleman, who is sometimes fond of reference to history, that his doctrine of loans is not the doctrine that in ancient times was in favour with that party—if it be still a party—of which, as he informed us the other night in explicit terms, he is "the humble leader." Yes; the right hon. Gentleman has reproached me—no doubt very justly—with want of humility, and I choose to show the terms in which he has advertised his own position. Well, now, Sir, to proceed with my reference to history. What are we doing—we who are said to be adverse to the landed interest? We are resisting, as far as we can—not on abstract principles—not with a vow registered in perpetuity, but under present circumstances—a proposition sometimes insidiously suggested, sometimes timidly and faintly half-uttered, sometimes more broadly proclaimed, under the title of an "equitable adjustment"—to shirk and evade the weight of the burden of the war, and to recommence the career which Mr. Pitt was unfortunately induced to commence in 1793. But the right hon. Gentleman, the "humble leader" of what he calls "the interest connected with the land," is pressing for loans. Let him, however, go back to the origin of the funded system —to the times when Dean Swift wrote upon the bearings of that system. He denounced the early and unnecessary recourse to such a system as impolitic, as injurious to the nation at large, but as most of all injurious to land. And, so far from admitting the charge that the Government is actuated by spleen against the party opposite—so far from believing them guilty of a baseness that would deserve impeachment if there were one solitary grain of truth in the accusation—I say that we are defending all interests, but most of all the interests of the most permanent and substantial description of property in this country, when we ask the House of Commons to meet as far as they can the expenses of the war from the taxes of the year, instead of by mortgages on posterity. The labourers of the country may emigrate to distant shores; the moveable capital of the country may emigrate, nay, even while the owner remains at home, by being lent upon foreign investment; but the land! that cannot emigrate—that must remain, subject to the mortgage of the national debt. It is that mortgage which we are endeavouring to keep comparatively light; it is that mortgage to which the right hon. Gentleman reproaches us for not making an addition.

Now, Sir, I have stated this part of the case at some length, because I was not willing to make a light assumption on a matter which I must confess appears to me of deep importance. I hope the attention of the Committee will have fixed itself on the matter really at issue. I have shown you that the terms of the Motion, as they are set down, are utterly unworthy of the occasion. I believe it is a dwindled and emasculated form of some broader proposition which was previously entertained—that some weeks ago there was courage enough to frame a design of endeavouring to tempt the House of Commons out of the path of self-denial and self-command into that easy and downward course which is opened to you by the immediate creation of permanent debt; but when it was seen in what manner the House of Commons answered the invitation of the Government to grant new taxes, it was then thought, perhaps, that a Motion in favour of a loan outright would be a little too much for the House of Commons generally to admit or endure—that it was better to disguise and soften it; perhaps to present it—(I am greatly obliged to the right hon. Member for Huntingdon for the phrase he has supplied to-night)—not with its face and features fully displayed to the gaze and admiration of the world—but that it was better to frame an Amendment which would only commit the House to "a loan in masquerade." A loan in masquerade is what we are here to discuss. It is not because Exchequer bonds are preferred to Exchequer bills, for we have used the alternative that the Government may employ either of the two, as may, when the time comes, appear to be recommended by convenience; it is not because the amount of demand is unreasonable—it is not because we can safely dispense with the money, or the power to raise the money;—it is because we do not raise a loan, and it is because upon a loan the "humble leader" of the landed interest is set.

Sir, I am unwilling, even in closing the remarks I have made to the Committee, to enter at large—and it is quite unnecessary for me to enter at large—on the discussion of the policy of the creation of stock at this particular period. I venture to think that the manifestation of the feeling of the House on former evenings has been quite sufficient to show that it will not accede either to an open or to a covert proposal for such a purpose.

*But, Sir, I have been told by the right hon. Gentleman that I have indulged in unworthy sneers at Mr. Pitt; and the right hon. Gentleman says that Mr. Pitt is revered by his countrymen—and that he received from them an eleemosynary tomb. Sir, I have claimed, with respect to Mr. Pitt, as I have claimed with respect to Mr. Fox, or any other historical personage, that freedom of criticism which belongs to our place in this House—which it is the duty of the representatives of the people to exercise, when they are endeavouring to draw wisdom from the experience of former times with reference to their own obligations under actual emergencies. Sir, it was in that spirit that I referred to the errors of Mr. Pitt, and if I used one word which seemed like a sneer at that great man, it was, indeed, unwittingly and unintentionally that I did so. It was the keenness, I freely own the fault, with which I was set upon showing what appeared to me the immense importance of the proposition for which I sought to obtain the assent of the House, and the enormous dangers into which Mr. Pitt, not simply nor mainly as an individual, but, as I said then, and as I say now, as the representative of a misjudging public, unfortunately led the country by the financial policy of a particular epoch. I stated at that period, I now state again most explicitly, I will not enter into the question whether the creation of loans is to be treated as in any degree the individual error of Mr. Pitt. I treat it as mainly the error of public sentiment. But I will freely grant to you that has nothing to do with the argument. It was not Mr. Pitt depraving and perverting the public sentiment, but Mr. Pitt, as I believe, giving way to public sentiment—that, attaching too forcible an interpretation to the emergencies of the time, he entered on that policy for the creation of stock, the ruinous and disastrous consequences of which we are still feeling, and our children after us must feel. The proof of what I say may be stated in one sentence. Let us only recollect that if Mr. Pitt had made in 1793 the efforts which he made in 1798, and in subsequent years, the effect would have been this: That this country would have paid heavy war taxes six or seven years sooner, and therefore six or seven years longer; but the debt at present would have been less by a sum of 400,000,000*l.*, possibly 500,000,000*l.*, of money. And was I not justified, then, in making reference to facts such as these? It was not for the purpose of dwelling on errors that I referred to them, but for the purpose of drawing a broad contrast between the mistakes of the first years of the war and the noble and gallant efforts made afterwards to redeem them. It was for the purpose of fixing, as far as I could presume to fix, the attention of the Committee on the change of policy of which Mr. Pitt early perceived the necessity, and which he devoted the last years of his devoted life and the last remains of his strength to bring into activity and operation. That was the motive with which I referred to Mr. Pitt, and with which I presumed to touch upon his errors. I referred to the errors for the purpose of drawing the attention of the House to the mode in which these errors were, as far as circumstances would permit, at a subsequent period retrieved. But the right hon. Gentleman worships Mr. Pitt; he lauds Mr. Pitt; he exalts him to the skies; but for what purpose? that we may imitate his virtues and his wisdom? that we may come down to Parliament as he did, and endeavour to inspire the British Parliament, as it is our duty to do, so far as our power extends, with sound views of the exigencies of our time? No; but in order to induce us to select for imitation the errors of Mr. Pitt, and to repeat those errors in the light of experience, and without the excuses which may most justly be pleaded on the part of those who originally fell into them. If the opinion of the right hon. Gentleman is that which I have shown it to be—if the meaning of the Member for Huntingdon is that which I have a right to suppose—and I think I am right in saying the meaning of this Motion is that there ought to be an immediate creation of stock—if that is his recommendation, and he wishes to support it by reference to the memory of Mr. Pitt, it reminds me of a remarkable scene which once was witnessed in this House, when the memory and authority of Mr. Pitt were quoted, on a particular occasion, against the principle of commercial freedom. There was under discussion, if I recollect the argument rightly, about thirty years ago, a particular instance in which Mr. Pitt, acting under the pressure of circumstances, did adopt a measure hostile to that principle; and his authority was quoted in the House of Commons. Mr. Canning, his Friend and follower, Mr. Canning, who said of him that his political allegiance lay buried in his grave, resented that reference as an insult to Mr. Pitt. Nay, more; he was not satisfied with compliments paid to the great Minister, when used as an inducement and seduction to commit that Minister's error: Mr. Canning retorted by declaring, "that those who alluded to the memory of Mr. Pitt, while they wished to draw Parliament into an imitation of his error, reminded him of the barbarous nations who profess to worship the sun in the heavens, who chose him for their god, but who, indifferent to the blaze of his meridian splendour, when he falls into eclipse come forth with their cymbals and their dances to adore him." That was the view which Mr. Canning took of men that could pronounce their eulogies on Mr. Pitt—men, perhaps, who could have said that Mr. Pitt was a great man, and had an eleemosynary tomb, in order to keep from view that which was the steady unwavering policy of Mr. Pitt in his closing years, and to induce the repetition of the errors of the earlier portion of the war—errors which he saw, errors of which he repented, errors which he used, and induced others to use, the most determined efforts to redeem. What did Mr. Pitt do when he found the country in the state into which it had fallen—sinking deeper and deeper into the mire, coming nearer to insolvency—by the lavish use of that national credit to which the hon. Gentleman refers us? He did as we do. He came down to the House of Commons. The hon. Member for Huntingdon says he has a great respect for the House of Commons, but at least there were some things which the House of Commons could not do, and I think he said the House of Commons could not induce a man to buy an article which he did not want or which he did not like. I fully grant that the House of Commons is not in possession of the boot and the thumb-screw, as in former times, for the purpose, according to the language of religious persecution, not of punishing men for being unwilling to believe, but of making them willing to believe. The House has no command of such instruments as those; but I am silly enough to believe, in spite of the Member for Huntingdon's high authority, the votes of this House have a considerable effect in inducing men to buy to-morrow what they will not buy to-day—to give a price to-morrow which they would not have given yesterday. And I rather think experience is on my side; because whereas fourteen or fifteen days ago people would give no more than 87*l.* for an annuity of 100*l.*, bearing interest at 3 per cent in Consols, within the past three or four days they have been willing to give 89*l.*, and something more, for that very self-same annuity; and I am really apt to believe that certain votes of this House have had a great deal to do in bringing about that change. But if you are satisfied with these experimental effects of the votes of the House of Commons, I am still further weak enough to believe that, if it be the determination of the House of Commons that the financial measures of the Government for raising new taxes shall be passed into law, they will be passed into law, and that when they have been passed into law, no inconsiderable effect will be produced by that decision of Parliament on the views of many gentlemen who deal in the particular commodity of money in the City of London, gentlemen with respect to whom, permit me to say, if I have said, either on this or on a former occasion, one word which seemed to savour of disrespect, I deeply regret it, first, because I hold it is not for any one in this House to find fault with any class of his fellow-countrymen, and least of all is it consistent with duty or propriety in a Minister of the Crown; secondly, because, in my opinion, those Gentlemen have acted, in the exercise of a discretion to which they were perfectly entitled, just as this House will, I hope, use its own discretion, to which, on its side, it has a perfect title. As, then, Sir, Mr. Pitt made his appeal to the House of Commons, so we appeal to the House of Commons; as Mr. Pitt placed before the House of Commons his plan for its support in the system which he proposed for raising the necessary means from the country, and thereby obviating, as far as possible, the necessity for resorting to the creation of stock, so we, at the first moment of the war, make our proposals to the House of Commons, entreating them to assist and support us in such an effort as may be reasonably expected from the wealth and power of the country to raise, from the year itself, the means towards meeting the expenses of the year.

Sir, before I sit down, I have still to notice, that the right hon. Gentleman has referred to what was done in the year 1847; and I shall make a remark upon that subject. He says that in the year 1847 a loan was raised by Consols, and he asks what would be your condition now if in 1847 you had raised that loan by Exchequer bonds. It is quite unnecessary that I should enter into a comparison of the circumstances that dictated one course to my right hon. Friend (Sir Charles Wood) in the year 1847, and that dictates another course at the present moment. The exigencies of the two periods are entirely different; especially, I may observe, that that was an isolated operation; this is a period at which unfortunately we have before us the prospect of a continuing and extraordinary demand upon the public purse. I do not hesitate to say, however, that it appears to me the country would not now have been in a bad predicament if the money raised in 1847 had been raised by means of Exchequer bonds instead of by Consols. Yet one other word, Sir, with the permission of the House. The hon. Member for Huntingdon contends, according to the terms of his Motion, that it is most improper that we should bind ourselves to pay off the Exchequer bonds in a particular year; and I ask, is that doctrine sustainable by a reference to practice or experience? It is the very thing we do in the case of Exchequer bills; but, with this difference, that we do it annually, and do it for five times the amount. Within a few days it may be necessary to call in 9,000,000*l.* of Exchequer bills, and re-issue Exchequer bills for the same amount if the holders are willing to take them. But the hon. Gentleman, having felt that he had got into a considerable difficulty, drew a distinction between promising to pay off, and promising positively to pay off. I am unable to appreciate the value of the distinction certainly; and I do not believe that the hon. Gentleman, in the exercise of any other function which he may be called upon elsewhere to perform, will attach more value to a note which says, "I promise to pay," than to a note which says, "I promise positively to pay." And again, although he says that in the Exchequer bonds we say we promise positively to pay, and that in the

Exchequer bills we only say we promise to pay; yet that is not the fact; we make a promise to pay in the case of Exchequer bonds precisely as we do in the case of Exchequer bills; the whole question, in each case alike, is the renewal on a given day, whether it shall be thought fit to renew on a given day, or to liquidate them, and the rate of interest to be paid in case we shall think fit to renew. The hon. Member for the Wick Burghs (Mr. Laing) has stated to-night that the railway companies throughout this country are renewing their debentures every year to the extent of 40,000,000*l.*, and I want to know after that, whether any hon. Member will attempt to justify a vote in favour of the Amendment on the ground that we cannot renew, if need be, 2,000,000*l.* of Exchequer bonds by the use of the public credit? No, Sir; the plea is an idle one. As for us, we make our appeal again to-night to the House of Commons on the ground on which we stood. As for the matters in the first financial proposals of the year of retrospect, to which the hon. Gentleman refers, if he wishes for the opinion of the House of Commons on these matters, let him by all means raise the issue in plain and intelligible terms. But what we have now before us is, the question of whether the Queen's Government shall be permitted to raise money for the expenditure of the war in anticipation of the taxes, and until the proceeds of those taxes are received. We ask for that power. We make our appeal to the House of Commons, with the full confidence that the House of Commons will answer it. I join cordially in the sentiment expressed by the hon. Member for Huntingdon; I—and I am certain I may say the same on the part of my Colleagues —have no other desire but one, it is that the Committee shall vote on this Motion as they think shall be most for the advantage of the country.

MR. T. BARING, in reply, said, that the right hon. Gentleman had put several questions to him which it was impossible to avoid answering. The first was—"Do you object to the amount of the grant?" And in answer, he must be allowed to say that the amount was not required. The whole deficiency was only 3,500,000*l.*, and when, by the first Resolution, 2,000,000*l.* had been already obtained, and 4,000,000*l.* of taxes would come in in the course of six months afterwards, he did not think it was requisite to issue additional Exchequer bonds to the extent of 4,000,000*l.* The right hon. Gentleman also made this remark, "You say the amount cannot be obtained by Exchequer bills." Damaged as the market had been by the conduct of the right hon. Gentleman, we had seen, in the granting of 1,750,000*l.* Exchequer bills, that the Exchequer-bill market could still bear that amount. But when it was proposed to borrow at 4 per cent, payable in four years, when the rate of Exchequer bills, high as the rate in the market was, was only 3 per cent, he must confess he held the opinion that Government were borrowing in a very improvident manner for the country. And he held also that there was this advantage in Exchequer bills—in borrowing from year to year, when the war was short the rate of the bills could be reduced, while in pledging to pay for four years, if the war terminated to-morrow, the country would be bound to pay the 4 per cent. The right hon. Gentleman said he had suspicions that he (Mr. Baring) intended a fortnight ago to make a Motion in favour of a loan, but he must tell the right hon. Gentleman that whatever he intended to have done he would have done openly. He had never had any other project or any other intention than to move the Resolution which he had already moved, and that Resolution was to this effect, that whereas he thought it unwise to fix any definite period for the payment of positive obligations, he thought it was much less dangerous to fix them after six years than it was according to the plan of the right hon. Gentleman to fix them now for four or five years. The right hon. Gentleman asked if he (Mr. Baring) said Exchequer bonds would be unacceptable in the City? Let the right hon. Gentleman look to his own lists, and he would see the opinion entertained of them; let him look first to the amount of subscriptions, and then let him say if there had been any general wish to have these bonds. He thought he had now answered all the questions of the right hon. Gentleman. He had moved the Amendment with no covert object and as no vote of want of confidence, but he thought it was unwise for the country to adopt the course the right hon. Gentleman was pursuing. The right hon. Gentleman said, "Bring the points you complain of to an issue in this House." He (Mr. Baring) would have said, let bygones be bygones, and he would not have alluded to the right hon. Gentleman if the right hon. Gentleman had not only challenged criticism, but accused the House of gross ignorance. It was impossible to hear the speech of the right hon. Gentleman without some answer, and when the right hon. Gentleman said, "Bring the question to an issue in this House," he would leave the financial measures of the right hon. Gentleman to the judgment of the world, merely referring him, if any criticism were wanted, to the Member for the Wick Burghs (Mr. Laing), who had not treated the right hon. Gentleman's financial measures with extreme tenderness that night.

Question put, "That the words 'the Commissioners of Her Majesty's Treasury be authorised to issue Exchequer Bonds' stand part of the proposed Resolution."

The Committee *divided*:—Ayes 290; Noes 186: Majority 104.

List of the AYES.

Acland, Sir T. D.
A'Court, C. H. W.
Adair, H. E.
Adderley, C. B.
Alcock, T.
Anderson, Sir J.
Atherton, W.
Bagshaw, J.
Baines, rt. hon. M. T.
Ball, J.
Baring, H. B.
Barnes, T.
Bass, M. T.
Beamish, F. B.
Beckett, W.
Bell, J.
Berkeley, Adm.
Berkeley, C. L. G.
Bethell, Sir R.
Biddulph, R. M.
Biggs, W.
Blackett, J. F. B.
Bland, L. H.
Bonham-Carter, J.
Bowyer, G.
Boyle, hon. Col.
Brand, hon. H.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Brown, H.
Bruce, Lord E.
Bruce, H. A.
Buckley, Gen.
Byng, hon. G. H. C.
Cardwell, rt. hon. E.
Cavendish, hon. C. C.
Cavendish, hon. G.
Challis, Mr. Ald.
Chambers, M.
Chambers, T.
Cheetham, J.
Clay, Sir W.
Clifford, H. M.
Clinton, Lord R.
Cobden, R.
Cockburn, Sir A. J. E.
Coffin, W.
Cogan, W. H. F.
Collier, R. P.
Colvile, C. R.
Coote, Sir C. H.
Cowan, C.
Cowper, hon. W. F.
Craufurd, E. H. J.
Crossley, F.
Currie, R.
Dalkeith, Earl of
Dalrymple, Visct.
Dashwood, Sir G. H.
Davie, Sir H. R. F.
Denison, J. E.
Dent, J. D.
Divett, E.
Duff, G. S.
Duff, J.
Duke, Sir J.
Duncan, G.
Dundas, G.
Dunlop, A. M.
Elcho, Lord
Ellice, rt. hon. E.
Ellice, E.
Elliot, hon. J. E.
Emlyn, Visct.
Ewart, W.
Fagan, W.
Feilden, M. J.
Fergus, J.
Ferguson, Sir R.
Ferguson, J.
Fitzgerald, J. D.
Fitzgerald, W. R. S.
Fitzroy, hon. H.
Fitzwilliam, hon. G. W.
Foley, J. H. H.
Forster, C.
Forster, J.
Fortescue, C. S.
Fox, R. M.
Fox, W. J.
Freestun, Col.
Gardner, R.
Geach, C.
Gladstone, rt. hon. W.
Gladstone, Capt.
Glyn, G. C.
Goderich, Visct.
Goodman, Sir G.
Goold, W.
Goulburn, rt. hon. H.
Gower, hon. F. L.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Greenall, G.
Greene, J.
Greene, T.
Gregson, S.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Hadfield, G.
Hall, Sir B.
Hankey, T.
Hanmer, Sir J.
Harcourt, G. G.
Hardinge, hon. C. S.
Hastie, Alex.
Hastie, Arch.
Headlam, T. E.
Heard, J. I.
Heathcote, Sir G. J.
Heathcote, G. H.
Heathcote, Sir W.
Heneage, G. H. W.
Herbert, H. A.
Herbert, rt. hon. S.
Hervey, Lord A.
Heywood, J.
Heyworth, L.
Hindley, C.
Hogg, Sir J. W.
Horsman, E.
Howard, hon. C. W. G.
Howard, Lord E.
Hughes, W. B.
Hutchins, E. J.
Hutt, W.
Ingham, R.
Jackson, W.
Jermyn, Earl
Johnstone, Sir J.
Keating, R.
Keating, H. S.
Kershaw, J.
King, hon. P. J. L.
Kinnaird, hon. A. F.
Kirk, W.
Labouchere, rt. hon. H.
Laing, S.
Langston, J. H.
Langton, H. G.
Laslett, W.
Lawley, hon. F. C.
Layard, A. H.
Lee, W.
Legh, G. C.
Lemon, Sir C.
Lewis, rt. hon. Sir T. F.
Lindsay, hon. Col.
Lindsay, W. S.
Locke, J.
Lockhart, A. E.
Lowe, R.
Luce, T.
Mackie, J.
Mackinnon, W. A.
M'Cann, J.
MacGregor, John
M'Taggart, Sir J.
Mangles, R. D.
Marjoribanks, D. C.
Marshall, W.
Martin, J.
Massey, W. N.
Matheson, A.
Matheson, Sir J.
Miall, E.
Milligan, R.
Mills, T.
Milner, W. M. E.
Milnes, R. M.
Milton, Visct.
Mitchell, T. A.
Moffatt, G.
Molesworth, rt. hn. Sir W.
Monck, Visct.
Moncreiff, J.
Monsell, W.
Morris, D.
Mostyn, hon. T. E. M. L.
Mure, Col.
Murrough, J. P.
Norreys, Lord
North, F.
O'Brien, Sir T.
O'Connell, D.
O'Connell, J.
O'Flaherty, A.
Oliveira, B.
Osborne, R.
Otway, A. J.
Owen, Sir J.
Paget, Lord A.
Paget, Lord G.
Palmer, R.
Palmerston, Visct.
Patten, J. W.
Pechell, Sir G. B.
Peel, Sir R.
Peel, F.
Pellatt, A.
Perry, Sir T. E.
Peto, S. M.
Philipps, J. H.
Phillimore, J. G.
Phillimore, R. J.
Phinn, T.
Pigott, F.
Pilkington, J.
Pollard-Urquhart, W.
Ponsonby, hon. A. G. J.
Price, Sir R.
Price, W. P.
Pritchard, J.
Ramsden, Sir J. W.
Ricardo, O.
Rich, H.
Richardson, J. J.
Robartes, T. J. A.
Roebuck, J. A.
Russell, Lord J.
Russell, F. C. H.
Russell, F. W.
Sadleir, Jas.
Sadleir, John
Sawle, C. B. G.
Scholefield, W.
Scobell, Capt.

Scully, F.
Scully, V.
Seymour, Lord
Seymour, H. D.
Seymour, W. D.
Shafto, R. D.
Shelburne, Earl of
Shelley, Sir J. V.
Sheridan, R. B.
Smith, J. A.
Smith, M. T.
Smith, rt. hon. R. V.
Smollett, A.
Stafford, Marq. of
Stanley, hon. W. O.
Starkie, Le G. N.
Stephenson, R.
Stirling, W.
Strutt, rt. hon. E.
Stuart, Lord D.
Sutton, J. H. M.
Talbot, C. R. M.
Thicknesse, R. A.
Thompson, G.
Thornely, T.
Thornhill, W. P.
Townshend, Capt.
Traill, G.
Vernon, G. E. H.
Vernon, L. V.
Vivian, H. H.
Walmsley, Sir J.
Walter, J.
Waterpark, Lord
Watkins, Col. L.
Wells, W.
Whatman, J.
Whitbread, S.
Wickham, H. W.
Wilkinson, W. A.
Willcox, B. M.
Williams, W.
Wilson, J.
Winnington, Sir T. E.
Wise, A.
Wood, rt. hon. Sir C.
Wortley, rt. hon. J. S.
Wyndham, W.
Wyvill, M.
Young, rt. hon. Sir J.

TELLERS.

Hayter, rt. hon. W. G.
Mulgrave, Earl of

List of the NOES.

Alexander, J.
Arbuthnott, hon. Gen.
Archdall, Capt. M.
Arkwright, G.
Bagge, W.
Bailey, Sir J.
Bailey, C.
Baldock, E. H.
Bankes, rt. hon. G.
Baring, T.
Barrow, W. H.
Bateson, T.
Beach, Sir M. H. H.
Bective, Earl of
Bennet, P.
Bentinck, Lord H.
Bentinck, G. W. P.
Beresford, rt. hon. W.
Bernard, Visct.
Blair, Col.
Blake, M. J.
Boldero, Col.
Booker, T. W.
Booth, Sir R. G.
Brooke, Sir A. B.
Bruce, C. L. C.
Buck, L. W.
Buller, Sir J. Y.
Bunbury, W. B. M.
Burke, Sir T. J.
Burrell, Sir C. M.
Butt, G. M.
Butt, I.
Cabbell, B. B.
Cairns, H. M.
Campbell, Sir A. I.
Cecil, Lord R.
Chelsea, Visct.
Child, S.
Christopher, rt.hn.R.A.
Christy, S.
Clinton, Lord C. P.
Clive, R.
Cocks, T. S.
Coles, H. B.
Compton, H. C.
Conolly, T.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Davies, D. A. S.
Dering, Sir E.
Disraeli, rt. hon. B.
Duckworth, Sir J. T. B.
Duncombe, hon. W. E.
Dunne, Col.
Du Pre, C. G.
Egerton, E. C.
Elmley, Visct.
Evelyn, W. J.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Forster, Sir G.
Franklyn, G. W.
Frewen, C. H.
Galway, Visct.
Gaskell, J. M.
George, J.
Goddard, A. L.
Gore, W. O.
Graham, Lord M. W.
Granby, Marq. of
Greaves, E.
Grogan, E.
Gwyn, H.
Hale, R. B.
Halford, Sir H.
Hall, Col.
Hamilton, G. A.
Hamilton, J. H.
Hanbury, hon. C. S. B.
Harcourt, Col.
Hayes, Sir E.
Henley, rt. hon. J. W.
Herbert, Sir T.
Horsfall, T. B.
Hudson, G.
Hume, W. F.
Irton, S.
Jones, Capt.
Kelly, Sir F.
King, J. K.
Knatchbull, W. F.
Knightley, R.
Knox, hon. W. S.
Langton, W. G.
Lascelles, hon. E.
Lennox, Lord A. F.
Lennox, Lord H. G.
Leslie, C. P.
Liddell, H. G.
Lisburne, Earl of
Lockhart, W.
Long, W.
Lowther, hon. Col.
Lowther, Capt.
Lytton, Sir G. E. L. B.
Macartney, G.
Maguire, J. F.
Mandeville, Visct.
Manners, Lord G.
March, Earl of
Masterman, J.
Meux, Sir H.
Miles, W.
Michell, W.
Montgomery, H. L.
Montgomery, Sir G.
Morgan, O.
Mowbray, J. R.
Mullings, J. R.
Mundy, W.
Naas, Lord
Napier, rt. hon. J.
Neeld, J.
Newdegate, C. N.
Newport, Visct.
Noel, hon. G. J.
North, Col.
Oakes, J. H. P.
Ossulston, Lord
Packe, C. W.
Pakington, rt. hn. Sir J.
Palk, L.
Palmer, R.
Parker, R. T.
Percy, hon. J. W.
Portal, M.
Powlett, Lord W.
Repton, G. W. J.
Ricardo, J. L.
Robertson, P. F.
Rolt, P.
Sandars, G.
Scott, hon. F.
Seymer, H. K.
Shirley, E. P.
Sibthorp, Col.
Smijth, Sir W.
Smith, W. M.
Somerset, Capt.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Stanley, Lord
Stuart, H.
Sturt, H. G.
Sullivan, M.
Taylor, Col.
Thesiger, Sir F.
Tollemache, J.
Tomline, G.
Trollope, rt. hon. Sir J.
Tyler, Sir G.
Tyrell, Sir J. T.
Vance, J.
Vane, Lord A.
Vansittart, G. H.
Villiers, hon. F.
Vivian, J. E.
Vyse, Col.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Walsh, Sir J. B.
West, F. R.
Whiteside, J.
Whitmore, H.
Willoughby, Sir H.
Woodd, B. T.
Wyndham, Gen.
Wyndham, H.
Wynn, Major H. W. W.
Wynn, Sir W. W.
Wynne, W. W. E.
Yorke, hon. E. T.

TELLERS.

Jolliffe, Sir W. G. H.
Malins, R.

Proposed Resolution amended by leaving out the word "the" in line 2, and inserting the word "any" instead thereof, and by leaving out the words "of 3*l.* 10*s.*" and inserting the words "not exceeding 4*l.*," instead thereof.

Original Question, as amended, "That the Commissioners of Her Majesty's Treasury be authorised to issue Exchequer Bonds bearing interest at any rate not exceeding 4*l.* per centum per annum, for any sums not exceeding in the whole 4,000,000*l.*, at any prices and on any terms determined upon by the said Commissioners, such Bonds to be paid off at par at the expiration of any period or periods not exceeding six years from the date of such Bonds," put, and *agreed to.*

Resolved—

2. "That the interest for all such Exchequer Bonds shall be payable half-yearly, and shall be charged upon and issued out of the growing produce of the Consolidated Fund of the United Kingdom."

Resolved—

3. "That in case the said Exchequer Bonds be not issued for the full sum of 4,000,000*l.*, as hereinbefore mentioned, then the Commissioners of Her Majesty's Treasury be authorised to issue Exchequer Bills to such amount as, with the total amount for which such Bonds shall be issued, will make up the whole sum of 4,000,000*l.*, authorised to be raised by these Resolutions."

The House resumed; Resolutions to be reported *To-morrow.*

The House adjourned at a quarter after Two o'clock.

HOUSE OF LORDS,

Tuesday, May 23, 1854.

MINUTES.] PUBLIC BILLS.—1ª Customs Duties. *Reported.*—Church Building Acts Amendment.

EPISCOPAL AND CAPITULAR ESTATES MANAGEMENT, 1854, BILL.

Order of the Day for the House to be put into Committee read.

THE EARL OF DERBY said, that although he believed the Bill was one whose object was principally to continue the existing law, yet the occasion presented by the Motion for going into Committee upon it seemed to him to afford a good opportunity to call the attention of the Government to a question connected with the subject with which the measure proposed to deal. It would be in the recollection of their Lordships that upon the appointment of the Ecclesiastical Commission the subject of the rights of lessees of Church property had been one upon which there had been a great deal of discussion in both Houses of Parliament. While it had been argued, upon the one hand, that the lessee had no actual claim to the renewal of his lease, it had, upon the other hand, been admitted that the lessees having enjoyed their property for centuries by renewals, had by time acquired a sort of right. The management of the funds of the Church was now about to be transferred from the bishops to Commissioners—that was to say, from individuals whose tenure of life was uncertain to a body which, for all practical purposes, might be regarded as immortal. It was difficult to ascertain the precise amount of interest, in consequence of the change of circumstances, which remained vested in the lessees, but that they did possess a claim, to a certain extent, in right of their leases, had been admitted upon all hands. Now, both in the preamble and in the enacting clause of the Bill before the House the claim of the lessee to some consideration was distinctly recognised. There were two principal classes of lessees, each of whom complained of grievances arising under the present system. He had no personal knowledge on the subject; but from communications which had been made to him within the last twelve hours, by certain gentlemen who took great interest in the question, and who had given to it the greatest attention, he was led to believe that the right of the lessee had always been practically recognised in the case of leases granted for a term of years. The Commissioners, he thought he was correct in stating, usually refused a permanent renewal of a lease, but admitted a renewal for an additional term of seven years beyond the existing holding—that was to say, that in the case of persons who had a lease for a term of twenty-one years originally, and had now eighteen years still remaining, the Commissioners agreed, in consideration of that time, to grant one more renewal of seven years, making, in addition to the eighteen years, a period altogether of twenty-five years. Now, the only complaint, so far as he could learn, with respect to the mode in which lessees for a term of years were dealt with, was, that, according to the Act, there was no restriction whatever placed upon the Commissioners in estimating the value of the property, or the sum to be paid in the shape of fine on renewal. It was considered highly desirable that there should be some check placed upon their power in that respect, and that recourse should be had to some mode of controlling that power by referring the question of the value of property to arbitration. In regard to lessees for lives, he might observe that a lease for life was altogether different from a lease for a term of years; it was, in fact, a more permanent and a higher interest. He had been informed that in the case of leases for lives the Commissioners in general refused to enfranchise, and that if they enfranchised, they took the value of the lives precisely at the same amount at which an actuary would place them. The complaint, therefore, which was made upon that head was, that in estimating the value of the lives the Commissioners had no consideration for the claims of the lessee. He would suggest that provisions might be introduced into the measure which would meet the objections in both cases, and remove all reasonable ground of complaint.

Earl GRANVILLE said, the Government were not prepared to give any opinion on the points in question; but he was inclined to think they would be better considered by a Select Committee of their Lordships than they could be in Committee of the whole House.

The Bishop of OXFORD was decidedly of opinion that the Bill should go before a Select Committee. Besides the points mentioned by his noble Friend, there was the seventh clause, which would give the Estates Commissioners the absolute power of prohibiting any ecclesiastical corporation from granting a site for a school, or indeed for any building. The Act which the present Bill proposed to amend strictly limited the application of the principal fund to improving the property of the corporation. It permitted the sale and exchange of property, but it limited the application of the money obtained by such sales and exchanges to the improvement of the property of the corporations. Now, the measure under their consideration would give the power of carrying over that money to the General Fund, instead of laying it out upon improvements. That was so manifest a variation from the original measure, that it was in his opinion a proposition which ought not to be passed into law in a Bill which professed to be simply an amending Act. Under these circumstances, he should move that the Bill be referred to a Select Committee.

The Earl of CHICHESTER was understood to say that the Commissioners intended to give the lessees for lives the benefit of seven years, as well as the tenants for fixed terms of years. He saw no great difference between the principle of the Acts, which was that the surplus should be made available for the purposes of the General Fund.

The Earl of DERBY thought such an arrangement would be fair and in accordance with the intentions of the Act.

After a few words from the Marquess of Salisbury,

Earl FITZWILLIAM said, it was of importance in carrying out the Act of Parliament that both lessor and lessee should be dealt with on the same principle. By the Act the option was given to the lessee to enfranchise, or, if he did not, he might call on the lessor to buy up his interest. He trusted that, if the Bill was referred to a Select Committee, it would be considered how far it would be equitable, supposing the interest of money should continue to rise, to continue to calculate the interest as between the lessee and the lessor upon the basis of the 3 per cent tables.

Earl GRANVILLE assented to the proposition for referring the Bill to a Select Committee.

Order of the Day *discharged;* and Bill *referred* to a Select Committee.

DANGEROUS ANIMALS BILL.

Order of the Day for the Second Reading read.

Lord LANESBOROUGH, in moving the second reading of the Bill, stated that it contained three clauses; the first gave the justices in the rural districts the power, which was already possessed by the magistrates in the metropolitan district, to order the constables to destroy dogs in a rabid state, or to issue directions for the muzzling or tying up of dogs in the hot weather; the second clause extended to the agricultural districts the operation of the Act for the suppression of dog-carts; and the third clause was intended to prevent dangerous stock being kept in fields or inclosures, where they were likely to do injury to persons passing through.

Moved, That the Bill be now read 2ª.

The Earl of HARDWICKE said, that there was no doubt the employment of dogs in carts was attended with considerable inconvenience and often led to accidents; but on the other hand the House must not forget that there were from 16,000 to 18,000 of these carts in the district south of London alone; and supposing that each of these carts was owned only by a single individual, it was obvious that this was a very large part of the population to deprive of their bread by an Act of the Legislature. They should not forget that the owners of these carts were restrained from cruelty to their dogs by a vigilant police, to the observation of whom they were constantly exposed; and if not treated with cruelty he saw no reason why the dog should not be employed for draught, to which it was as well adapted as the horse. He strongly objected to loading the Statute-book with small Statutes of this description, which greatly fettered the liberty of various pursuits in life. In regard to the provision contained in this measure respecting horned cattle, he thought the farmers would be greatly annoyed to find that according to this Bill they could not turn a bull calf out into the fields.

Amendment *moved*, to leave out "now" and insert "this day six months."

Lord LANESBOROUGH remarked, that the clause only referred to "furious" bulls.

Lord BERNERS said, that this Bill only proposed to give to the justices of the peace in the rural districts the power which the magistrates of the metropolitan districts had possessed for twenty-five years. He certainly thought that it was quite reasonable that this should be done. At present the magistrates in the rural districts had no power to order the destruction of dogs in a rabid state, which frequently bit a number of stock before they were destroyed. With respect to the suppression of dog-carts, there could be no doubt that these vehicles were the frequent causes of accidents. Nor did he think that their owners deserved the consideration of the House; they were generally the carriers of stolen goods, and were in the habit of going about from fair to fair with their dogs, which were so savage that no common constable would dare to approach them.

The Earl of CHICHESTER thought it was highly desirable to take measures to prevent dogs being used for the purposes of draught. Their employment in these little carts was often attended with serious accidents, and the men by whom they were owned were, generally speaking, amongst the worst class of the population. He believed that the use of dogs in this manner would not answer for the purposes of honest trade; and that the only way in which the proprietors of existing dog-carts made it pay was, by keeping such savage dogs that no one liked to meddle with them, and thus they were enabled to live at free quarters in the neighbourhoods through which they passed.

The Earl of WICKLOW deprecated the ridicule which the House seemed disposed to cast upon this measure. He certainly thought it was high time that the justices had power to order the destruction of rabid dogs. And with respect to the clause relating to dog-carts, it was at least worthy of serious consideration, for the House would recollect that the House of Commons had, in a former Session, passed a Bill for this purpose, which was only lost in that House by a very narrow majority. With regard to the third clause, no doubt many of their Lordships might very well entertain objections to that. He was surprised, however, that the noble Lord who had introduced this Bill, being himself an Irishman, should have limited the operation of this Bill to England. On what principle was it that rabid dogs were to be shot in England and not in Ireland?

The Earl of CARNARVON said, the subject was one not unworthy consideration. In the year 1838 a Committee of the House of Commons inquired into the subject, and it was proved before them by evidence that the practice of driving dogs in carts was not only a great nuisance and caused frequent accidents, but that it also had a tendency to produce madness. It had been said that the suppression of dog-carts would be a great injury to the poorer classes; but generally the men to whom they belonged were of the lowest and most degraded character, who, although professing to live by honest industry, really gained their livelihood by the worst means. The passing of a measure like this would be attended with great advantage by diminishing strolling vagrancy, and checking the system of petty depredations on the part of these men, from which the farmers at present suffered severely. The provisions of this Bill were already in operation in the metropolis, and he was therefore quite unable to understand on what principle they could refuse to apply them to the rest of the country, when it was the fact that as many accidents were caused by dog-carts in the country as in the town.

Lord REDESDALE opposed the Bill, thinking that, from the way in which it was framed, no good would result from its enactment. It was proposed that two or more credible witnesses were to go to a magistrate and state on oath that the mad dog was running about, and then they might lawfully pursue and kill it. All this time the mischief was being done. Again, if a rabid dog were running about for three days, every dog in that district was to be shut up, so that, if a meet were appointed to take place, all the hounds would have to be shut up, under penalties. The preamble of the Bill set forth that, "Whereas dogs have gone mad through being used in trucks." Now he (Lord Redesdale) had never heard of one dog going mad through any such cause; and, as to the alleged cruelty practised towards dogs in draught, he thought they did not see dogs overburdened in the way in which asses and other animals frequently were; and he believed there was less cruelty practised towards dogs in draught than towards any other animals. The whole of the legislation proposed in this Bill would not, he was of opinion, be productive of advantage.

On Question, that "now" stand part of the Motion, *Resolved* in the *negative;* and Bill to be read 2ª on *this day six months.*

SECOND COMMON LAW PROCEDURE, 1854, BILL.

House in Committee (according to order).

LORD ST. LEONARDS said, it was proposed by this Bill to give to a Judge of a court of common law the power to refer matters to arbitration, so as to save the expense of a trial. But it was generally supposed that if they wanted to visit a man with a great penalty, they should send him to arbitrators, who had not that sort of sanction that would give weight to their proceedings. They were forced to sit at whatever time would suit counsel, and it was very seldom the same hour and day would suit them and the arbitrators. Then the expense was enormous, and the result was generally unsatisfactory, though they endeavoured sometimes to avoid any very great disparagement of their award by giving something to each side. The proposed alteration was a very great one, and if adopted there should also be some such law as this—that the arbitrator appointed should at the end of a month report to the Judge that appointed him the progress he had made in the matter referred to him. By the proposed changes also they could dispense with a jury, which had been sanctioned by time, and to which the people of the country were accustomed—the unanimity of the decision giving a weight to their decision which nothing else could do. When they came to dispose of a matter of fact, one set of witnesses might swear directly opposite to what was sworn by another set of witnesses, and it was necessary to have a tribunal, whose competence could not be questioned, to decide between them. But the most important point contained in this Bill was the change now, for the first time, proposed in the law, which required unanimity in the jury. He felt extremely unwilling to alter the law in this respect, but he gave way to this extent—that he was willing that, if after a limited period of deliberation, eleven of the jury were of one opinion, and only the twelfth man opposed to it, the verdict of the eleven should be taken as the verdict of the jury. When one man set himself against the rest of the jury, perhaps not upon solid grounds, perhaps for interested motives, perhaps because he was the friend of one of the parties, or, perhaps because he was bent upon carrying his point, they might suppose that the eleven persons opposed to him were likely to be right, and that the one man who was opposed to them was likely to be influenced by some improper motive. But he denied that when there were two dissentients the same reason applied, because the chances were that there was something in an objection which was entertained by two men out of twelve. They could hardly suppose that two persons would enter into a conspiracy to prevent a verdict being given by the other members of the jury; with these views, as the clause in the Bill had specified "ten or eleven," he would move to omit "ten or," so as to leave in the clause the word eleven, thereby making the verdict of eleven jurors decisive. There was another clause on which he proposed to take the opinion of the House, namely, the clause which had regard to dispensing with oaths. It appeared that the Common Law Commissioners could not agree as to whether oaths should be dispensed with altogether or not, and therefore they did not report one way or the other; but it was considered that if from conscientious motives a man—whether Quaker, Separatist, or of any other religious sect—alleged he could not take an oath, and the judge was of opinion that the objection was made in good faith, he should be at liberty to release him from the obligation. He had made up his mind to object to the clause in the Bill on this subject. He was not prepared to say to what extent he should be ready to go if a measure on the subject of oaths were regularly and fairly brought before the House; for, if ever there was a measure which required to be distinctly brought before the Legislature, it was a measure with respect to dispensing with oaths. A man might have a conscientious belief that it was wrong to take an oath; but how was the Judge to decide it; and he asked if any of his noble and learned Friends would like to be called upon to decide it? This, as he had already stated to their Lordships, was, in his apprehension, one of the most important measures that had ever come before their Lordships; and, thinking it was the duty of some person, he ventured to take the duty upon himself of drawing the attention of the House and of the country to the very important alterations that were made by this proposition to pass on; there had been manifested out of doors a very considerable feeling in favour of what had been called the fusion of law and equity. The practice in America had been cited to them as an example. He could only say that having looked with great patience to everything that was brought forward with regard to this supposed fusion of law and equity in America (which came to this, that the same Judge sat in law and in equity, and now says, "I am in law," and now says, "I am in equity"), he thought there was nothing in the evidence that had been laid before the country which would induce him to accept it. They had an example much nearer home of blended law and equity—in Scotland. Now, he did not mean to reflect in any manner upon the Scotch Judges—for their learning and ability he had a most unfeigned respect—but it did so happen that it was impossible to sit in that House as he did, morning after morning, and day after day, without being struck with this—that the number of appeals from the Courts of Scotland exceeds in amount the appeals both from England and Ireland; the appeals from Ireland during this Session were only one in eleven for the appeals from Scotland. Was that owing to the blending of law and equity? He would not then discuss it, but merely call their Lordships' attention to the example he had given, from which they found that the blending of the two courts of law and equity did not lead to that satisfaction and certainty which were the essential elements of a satisfactory condition of law. There were, no doubt, many maxims of equity which might with propriety be adopted by a court of law, and might by the Legislature be imported into a court of law. This Bill afforded some instances of that, and very important ones. If a man should keep the chattel of another, the person whose property was detained might bring an action in a court of law against the holder of his property, but the party was not bound to restore the chattel of which he had possessed himself; and this Bill proposed to extend the power now vested in courts of equity to courts of law, and there was no reason that he was aware of why the law should not be so. Then came the question what equitable powers they might with propriety extend to courts of law. If there be a lost bond for example, the man who had lost it could not proceed at law in consequence of the loss; but he might proceed in equity, and having proved the loss, andg iven proper security, compel the man who had entered into the obligation to pay the amount. It was proposed by this Bill to give a court of law a like power, and he approved of the proposition. The great difference between law and equity was, that if a man broke his contract the remedy at law was simply by an action for damages, but the court of equity enforced the specific thing, and whatever the party had agreed to do, he must, by the order of that court, specifically perform. Thence had arisen the doctrine of specific performance, and, according to that doctrine, a party was not at liberty to withdraw from a contract and say he would pay damages. He must perform the specific thing he had agreed to perform. Beyond that, equity forced a discovery, but under peculiar rules and restrictions, in aid of an action. There was a popular instance of the powers respectively possessed by courts of law and equity in the case of a singer who, having covenanted that she would not perform anywhere but at the Opera House, entered into an engagement to sing at Covent Garden Theatre. The common law in that case could give nothing to Mr. Lumley but damages; but the court of equity, though it could not force her to sing at the Opera House, did this—it prevented her from singing anywhere else. He was of opinion that, before a change was made, they ought to remodel the courts of law, so as to give to them the same means as were possessed by courts of equity, through chief clerks and other officers to institute inquiries. The Bill proposed also to give greater equitable powers than existed in a court of equity—it enabled a court of law to compel a discovery both of documents and facts. It enabled a court of law to grant injunctions—and *ex parte* injunctions—to an extent that a court of equity did not possess; because a court of equity never granted an injunction *ex parte* except to prevent irreparable mischief, and on account of there not being time to call the parties before it. The Bill went on to give the powers of courts of equity in the form of a *mandamus* for the first time, and in this form it gave the courts of law for the first time the whole power of an equitable jurisdiction to enforce specific performance. There had been an extensive change in the Bill in this respect. The Common Law Commissioners particularly guarded themselves so that the *mandamus* should be confined to cases in which a *mandamus* might now issue at law, and they never intended, as this Bill proposed, to give the courts of law a power generally to compel any man to perform a duty which he ought to perform. The Bill again said that whenever a man had an action brought against him he might plead an equitable defence—that was to say, he might put upon the record, in the shape of an equitable defence, that although the plaintiff was entitled by law to recover, yet in equity he was not so entitled. It also, and necessarily so, gave to the plaintiff an equitable replication. Why, what did all this come to but a regular suit in Chancery? In a word, the Bill proposed to authorise the courts of common law to deal with purely equitable suits, demanding greatly increased equitable knowledge on the part of the common law bar, which almost ostentatiously repudiated all knowledge of equity, and on the part of common law Judges who, from their whole training, necessarily laboured under the same defect. The result must be a conflict of authorities and irremediable confusion, instead of that certainty and fixity of decision that ought to exist. As the Bill was originally brought in, the provision as to equitable defence was confined to the case of an undoubted defence in equity, and the equitable replication was in like manner confined to an undoubted replication of equity. Now, as the law of this country at present stood, if A sold an estate to B, and it was agreed between them that the title should be produced on the 10th of May, and that the purchase should be completed on the 11th of the same month, and if the man who sold had not the title ready by the day named, he was liable to an action for damages; whilst the buyer, if he did not perform his contract by the day appointed, was also liable to damages, time being of the essence of the contract. But in equity, on the other hand, an extension of time was in proper cases allowed on both sides, till the completion of the contract. Now this Bill, by the alterations it proposed, would create the greatest difficulties and confusion. If Parliament were at once to determine that one and the same court should decide both law and equity, he did not say that it might not lead to the saving of much time and expense, he did not say that they might not make a set of rules to govern both law and equity; but they must give to each court a fitting machinery for the double jurisdiction; and if they gave to the courts of law and of equity the same rules, then they would know what they were at. He could understand a great country grappling with a great scheme like that, and framing rules to govern both law and equity, and making those rules binding on all the courts over the whole country; but he could not understand the giving to the courts of law, with their present and ancient jurisdiction, which was diametrically opposed to an equity jurisdiction, and then leaving them to do, what?—why, to decide upon equitable grounds against their own rule—the rule of law being that a man was to recover, the rule of equity being that he was not to recover. Now, he did not say that in time they might not work out such a system; but there must be a new machinery set up, and they were entering upon a new career without, as he ventured to think, sufficient inquiry and deliberation, and seeking to do on a small scale and in an indirect manner what ought to be done, if done at all, upon a large scale, and openly and directly. By this measure he believed there would be a clashing jurisdiction given for the first time to the courts of law. He must again repeat that their Lordships had never had a Bill before them of greater importance than this; and that was his excuse for occupying so much of their time. Having stated his opinion, it was not his intention to offer any opposition to the general measure; and he only wished that his misgivings with regard to its working might not be fulfilled by the event. The noble and learned Lord concluded by moving to omit the clause dispensing with oaths.

THE LORD CHANCELLOR observed that, as the noble and learned Lord, whose opinion on such a question naturally carried with it great weight, had objected to some five or six provisions of the Bill, which contained rather more than 100 clauses, although the regular course would have been to discuss the subjects of the separate clauses as they were arrived at in Committee, it would, perhaps, be most convenient if he (the Lord Chancellor) at once noticed the objections of the noble and learned Lord, and stated his reasons for thinking that they were entirely unfounded. The importance of the measure could not be exaggerated; but he (the Lord Chancellor) must take leave to say, even at the risk of offending their Lordships, that it was utterly impossible to imagine that the great bulk of the Members of that House could fully enter into the merits or demerits of the larger portion of the details of the Bill. He would, in the first place, explain the circumstances under which the Bill had been framed. Some time ago a Commission was issued to very learned persons, directing them to institute inquiries with the view of proposing considerable amendments in procedure at common law; they made their report, and two years ago, a Bill, founded upon that report, was passed, which effected most extensive changes in the mode of proceeding at common law. He was sure he would be borne out by the opinion of his noble and learned Friend the Lord Chief Justice, when he said that the working of the change had been most admirable, and had conferred the greatest benefit upon the suitors in the common law courts.

LORD BROUGHAM said, the benefit to the suitor did not consist in the improvement of the quality of the article, but in the lowering of its price.

THE LORD CHANCELLOR: The Commissioners subsequently presented a second report; and, after looking through it, he requested their Secretary to frame a measure founded upon the Report, without, however, pledging himself to adopt slavishly all the recommendations of the Commissioners. In some cases, not considering their suggestions beneficial, he did not adopt them, and, in other cases, he added to their proposals; but, substantially, the present Bill embodied, for the most part, the recommendations of the Commissioners. Whatever blame might attach to him with reference to this measure, he certainly could not be charged with having introduced it unadvisedly; for, feeling that the subject was one in which the great bulk of their Lordships would not take a very lively interest, and with regard to which they could not possess the professional knowledge necessary for enabling them to form opinions, he, with his noble and learned Friend the Lord Chief Justice, and one of the Judges from each of the courts, met the Commissioners, and they went through the Bill clause by clause, discussing the merits and feasibility of the various provisions. The result was that several important alteratoins and amendments had been made in the Bill, and in that shape he had submitted it to their Lordships; but, thinking that a measure of this nature could not receive too much consideration, it was referred, on his proposal, to a Select Committee, which was attended by his noble and learned Friends Lord Brougham, Lord Campbell, and Lord Lyndhurst, and also by other noble Lords, who, although not lawyers, were perfectly competent to form a just opinion upon the questions which were discussed. Some further alterations were made in the Bill by the Committee, some provisions were added to it, and, after having undergone that ordeal, the measure now came before their Lordships. What, then, were the objections urged against the measure by his noble and learned Friend opposite? That noble and learned Lord (Lord St. Leonards) in the first place suggested doubts as to the expediency of the clause which provided that parties who wished to have their causes tried by a Judge without the machinery of a jury might—subject to the regulations of the courts—have that desire gratified. He (the Lord Chancellor) owned that this was not a provision of which he himself was greatly enamoured, because he thought that juries, constituted as they were of a body of persons taken miscellaneously out of a county, were often very much improved as citizens, and rendered more intelligent by discharging the duty of jurors; but, although his own feelings were not very favourable to the change, he could not think it desirable that the suitor should be made to pay for the education of the community, and therefore he considered, on the whole, that the change proposed in the existing system was a reasonable one, and one against which it was impossible for him to set his face. The noble and learned Lord objected to another clause with reference to juries. Their Lordships were aware that, by the present law, it was necessary that a jury should be unanimous in their verdict. Now, he quite concurred with his noble and learned Friend that, with all its anomalies, the necessity of unanimity had not been productive of any great degree of practical injustice; but he felt that, when they were making a change in the law and remodelling the constitution of juries, it was impossible to give this subject the go-by, and refuse, from any pedantic adherence to the established order of things, to sanction the change. It was necessary to consider whether the system of unanimity should be continued or modified. The Commissioners did not recommend that the necessity of unanimity should be dispensed with, but they proposed that the barbarous and absurd practice of locking up juries without food or fire until they agreed to a verdict should be discontinued, and that, if at the end of twelve hours juries had not agreed, and did not ask unanimously for time for further consideration, they should be discharged, and a new trial might be had. That was the form in which the measure stood as it was originally introduced on the recommendation of the Commissioners. The subject received very great consideration, and the Lord Chief Justice suggested this course—that juries, if they did not previously agree unanimously upon a verdict, should be kept together for twelve hours, and that if, at the expiration of that time, ten or eleven of them were agreed in opinion—that was, if they agreed in the proportion of five to one—or, *à fortiori,* if they agreed in the proportion of eleven to one—their verdict should be received as the verdict of the jury. This course, he thought, possessed very great advantages over that proposed by the Commissioners. Suppose there should be upon a jury one or two obstinate men—as he was afraid was sometimes the case—who knew that by sitting out for twelve hours and refusing to agree to a verdict they would be absolved from giving a verdict at all, and that there would be an end to the trial for a time at least, he feared obstinate men might be tempted to pursue that unreasonable course; but if such persons knew that, even if they persisted in disagreeing to a verdict in which ten or eleven of their fellow-jurors concurred for twelve hours, the verdict of the ten or eleven who were against them would be received as the verdict of the whole, he hoped the inducement to this unreasonable obstinacy would be removed. His noble and learned Friend had also complained of what he called the "arbitration clause." Any one conversant with the proceedings of courts of common law knew that many cases were brought before them which it was impossible for a Judge to try. Suppose, for instance, the case of an action against a builder for work to the value of 5,000*l.*, that amount consisting of items of 10*s.* or 20*s.*, every one of which must be investigated. The noble and learned Lord said, "Why not go into a court of equity?" but no one knew better than his noble and learned Friend that there was no equity in such cases; and the usual course was, when cases of this kind had gone on for a little while, that both parties agreed to refer them to arbitration. Now, in order to prevent parties to such cases from incurring expenses to the amount of hundreds of pounds, by bringing their cases to trial, paying fees to counsel, and subpœnaing witnesses, the Bill gave the power to a Judge—at the instance of either party—if he thought it a case that must come eventually to arbitration, at once to refer it to arbitration before unnecessary expenses had been incurred. This was undoubtedly a new system in England, but it was the common mode adopted in Scotland of dealing with matters of account, and he could not but think it possessed very great merits. The next provision of the Bill to which his noble and learned Friend objected was one which he (the Lord Chancellor) hoped would be received with great approbation by a very large majority of their Lordships, and by a very great majority of the country at large. He alluded to the provision contained in the Bill on the subject of oaths. At present, *primâ facie,* everybody who appeared as a witness was sworn; but a century and a half ago a law was passed allowing Quakers, Moravians, or Separatists, who objected to taking oaths, to make solemn affirmations instead, subject, of course, to the same penalties for affirming falsely as other persons were liable to for perjury on their oaths. This exemption, however, was not confined to Quakers, Moravians, or Separatists, for it had been extended by statute to all persons who had at any time been Quakers, Moravians, or Separatists, but who, having ceased to be so, stated that they still retained conscientious scruples against taking oaths. If, however, a person entertained scruples against taking an oath, but could not declare that he was or had been a Quaker, a Moravian, or a Separatist, there was no statute absolving him from the obligation of being sworn. Their Lordships must admit that this was a most anomalous state of things; and the present Bill provided that any person who was called as a witness, and who stated that he had conscientious scruples against taking the oath, should be allowed, instead, to make a solemn declaration; but this was not to be permitted unless the Judge was satisfied of the sincerity of the witness's objections to taking an oath. It might be asked, "Why are these parties to be relieved from the obligation of taking oaths?" But it appeared to him that that was putting the question upon a most absurd foundation. The person to be considered was the party who required the testimony of the witness. It was entirely unimportant to the witness whether his testimony was received or not; but it was a serious misfortune to a tradesman, who was suing a debtor, if the only person who could prove the debt was a very honest man, who neither was nor had been a Quaker, a Moravian, or a Separatist, who might be a member of the Church of England, a Baptist, or connected with some other persuasion, but who entertained conscientious scruples against taking an oath, and whose evidence, therefore, could not be received. Ought the plaintiff—another party—to be punished because a court of law refused to take his witness's evidence, except upon oath? That appeared to him most anomalous and absurd; and this Bill sought to put the matter on a more rational footing. His noble and learned Friend had pointed out, that when the Bill was introduced, the form of declaration recommended by the Commissioners was adopted, namely, "I, A. B., do solemnly, and in the presence of Almighty God, declare." It had been suggested, however, that many persons would regard that form as equivalent to an oath, and, therefore, the form was altered, and the words "do most solemnly and sincerely declare" were adopted. The form of declaration introduced into the Bill, in the first instance, was similar to that adopted in the first Act for the relief of Quakers and Moravians; but, in consequence of the objections entertained to the form by Quakers, the words "in the presence of Almighty God" were omitted under the authority of an Act of George II. His noble and learned Friend had referred to the equitable clauses of the Bill. Now, those who had paid attention to such matters were aware that there had been a sort of demand among legal reformers for what they called "fusion;" the doing away with all distinctions between law and equity. Most unquestionably if they were going to establish a code for some newly-peopled island that had just appeared in the Pacific Ocean, no man would ever dream of having two concurrent systems—one of law, and one of equity. There ought to be one system of law, and one only. But he (the Lord Chancellor) was never one of those who thought, when they had a system that suited the habits and feelings of the people, that it was advisable, merely from a desire to make that system more theoretically right, to run the risk of introducing changes which might lead to great practical difficulties. His notion of fusion was to endeavour to arrive at it step by step, so that sooner or later they might get to the same point; and he thought the Bill proposed to effect objects which would materially tend to the desired end, and be attended with great convenience to all persons. His noble and learned Friend had conjured up a host of difficulties; but he would beg to call their Lordships' attention to what the Bill really did contemplate. If there was one principle of which all law reformers ought to be enamoured more than another, it was, in his opinion, that one court should have power, in all its stages, over one cause, so that wherever a suit was instituted in a particular court that court should be able to carry the case through all its stages, and to do complete justice between the parties. All that the present Bill proposed was—whereas at the present time, when a suit was instituted at common law, there were many things which could not be met otherwise than by allowing the parties to recover at law, and then filing a bill in equity, because there might be rights which could not be determined at common law—to bring the suit so within the jurisdiction of a court of common law that it might be enabled to determine upon the whole case. He could understand that ardent reformers might complain that they were proceeding very slowly, and not with that zeal, that ardour, and that enthusiasm with which they ought to proceed, but the last thing he could anticipate was, that they should say they were taking a step too far in advance. He would not detain their Lordships by answering the instances which had been given by the noble and learned Lord, but, anticipating there might be difficulties started, to a certain degree of a novel character, they had introduced into the Bill a most useful clause to the effect that, wherever the nature of the defence was such that the court of law could see it could not be dealt with for want of proper machinery, it was competent for the court to strike out the plea raising such defence, and say it must go to a court of equity. There might be a few individual cases of such a character as to require that proceeding, but he thought it would not happen to 99 out of 100. He could not understand what objection there was to that portion of the Bill relating to the power of *mandamus*. If, for instance, a railway company were bound to make an opening for him, in respect of its railway, from one field to another, and did not make it, he might bring his action for the recovery of damages accruing from the neglect, and he might probably have afterwards to apply to the court of Queen's Bench to compel them to do so. All that this Act provided was, that it should be done at once. So with regard to injunctions; for, although he might recover and establish a right at law, it was competent for a party to violate that right afterwards; but this Bill gave the court the power not only to grant damages, but injunctions to prevent the recurrence of the evil sought to be remedied. It gave the power, in fact, to the court to act as common sense would dictate—power to do complete justice itself and prevent parties being driven to another court to obtain those supplementary remedies which prevented the future infringement of the very right they had just established. The sections were extremely well worded by the gentleman who acted as secretary to the Commission; and, in fact, the whole Bill was ably drawn, and sought to accomplish most legitimate objects; he hoped, therefore, the Committee, would give their countenance not only to those clauses to which his noble and learned Friend had no objection, but to those also to which his observations had more particularly been directed.

Lord ST. LEONARDS observed that he would not trouble the House to divide upon his intended Motion as to the jury, as he saw plainly what the result would be.

Lord CAMPBELL said, he should abstain from making any observations on what had fallen from the noble and learned Lord, but should reserve to himself the power to do so at any future stage of the Bill.

Amendment *negatived.*

Amendments made; the Report thereof to be received on Friday next.

House adjourned to Friday next.

The Lord Chancellor

HOUSE OF COMMONS,

Tuesday, May 23, 1854.

Minutes.] Public Bills.—1° Benefices Augmentation; Church Rates; Income Tax (No. 2); Consolidated Fund (£8,000,000).

MIDDLESEX INDUSTRIAL SCHOOLS BILL.

On the Order being read for the consideration of this Bill,

Mr. MULLINGS said, he wished to move the omission of a part of one of the clauses which empowered the committee of visitors, when there was a sufficient number of children of different denominations in a school, to authorise the employment of ministers of different denominations to afford religious instruction to the children, and to perform Divine service in such school. He could not understand what would be done if one school happened to contain children of three or four denominations, whether the various services would be performed simultaneously or one after the other, and, if so, which denomination would have precedence. He wished the House to consider what might be the position of those industrial schools, if it should turn out that a number of juvenile offenders of six or eight different religious persuasions were taught in them at the same time. In such a case they might have the Church of England service, the Roman Catholic mass, and the Jews' feast of trumpets all going on on Sundays at the same time in the one industrial school of Middlesex. He believed there was no precedent for inserting such a provision in the Bill.

Clause 30, page 12, line 14:—Amendment proposed, to leave out the words at the end of the Clause, "and for the purpose of performing Divine service on Sundays, when, in the opinion of the committee of visitors, the number of juvenile offenders of any persuasion other than that of the Established Church is sufficient for that purpose."

Question proposed, "That the words proposed to be left out stand part of the Clause."

Mr. J. BALL said, having been a Member of the Committee which sat on this Bill, he was able to state that the clause in question received the unanimous concurrence of all the Members of the Committee. This was called a private Bill because it was confined to the county of Middlesex; but it was, in truth, the first attempt to make in this country some serious effort for the reformation of juvenile offenders, and he trusted it would be the precursor of a general measure applicable to the whole kingdom. It was notorious that a large proportion of the juvenile criminals of the metropolis, being children of the poor Irish, who abounded in all the suburbs, were Roman Catholics, and he contended that they would have been justified, in accordance with precedent, in claiming from the Select Committee the appointment of a paid Roman Catholic chaplain. Instead of that, however, they had contented themselves by merely claiming security for the religious education of those of their own persuasion, to be imparted at their own charge. He trusted that, in this respect, the House would confirm the unanimous decision of the Committee, assented to by every Member upon it, and by the promoters of the Bill.

Sir GEORGE GREY said, that, as a Member of the Select Committee, he entirely approved the insertion of the words the omission of which had been moved by the hon. Member for Cirencester (Mr. Mullings). The hon. Member's objection had not rested, as he had understood it, upon religious grounds, but upon the inconvenience which would result from allowing the ministers of any religious persuasion to hold divine service within the walls of these schools. The simple answer to that objection was, that the right to celebrate divine service was to be exercised, subject to the regulations to be made for the purpose by the committee of visitors, and only at reasonable hours. There were ample precedents for the course now proposed in the Prison Acts of Ireland. No question of endowment was raised by this clause. It simply gave permission to the ministers of different denominations where the children were in sufficient numbers to celebrate divine service according to the rites of their own Church, and he thought it would be extremely unreasonable to refuse that permission.

Sir JOHN PAKINGTON said, he also, as a Member of the Committee, expressed his concurrence in that portion of the clause which his hon. Friend had proposed to omit. The insertion of these words was only carrying one step further the spirit of the District Paupers' Schools Act, under which religious teachers of different persuasions were permitted to enter the schools to teach children of their own belief. Every one admitted it to be essential that divine worship should be celebrated in the presence of the inmates of a prison; and upon these broad grounds it appeared to him that the House should concede this boon, if boon it could be called.

Mr. NEWDEGATE said, he could not agree with his right hon. Friend. Middlesex was not Ireland. On the contrary, it contained a more orderly, a more enlightened, and a more civilised population than did Ireland. ["Oh, oh!" *from Irish Members.*] As a ratepayer and magistrate of Middlesex, he (Mr. Newdegate) participated in the feelings of these gentlemen; and he should then express a hope that such a precedent as the present should not be established at their expense. By this clause it was intended to give the priest the privilege of access to the inmates of this establishment at the wish of the next of kin to the inmates, at any time, not even Sundays excepted. There was also a provision authorising the celebration of mass, a thing totally unknown in a public institution of this country since the time of the Reformation. That would be quite contrary to the spirit of the laws of the Reformation. If it were right that such should be done, let it be done by some public Statute, which the House and country would have time to consider. But he hoped the House would not suffer itself to be trapped into an admission of this principle, contrary as it was to the laws and principles of the Reformation, by a few lines tacked on to the end of a clause of a private Bill.

Mr. DRUMMOND said, that there did not appear to be anything either very new or very fatal in the principle of this particular provision of the Bill. The wording of the clause was certainly somewhat funny, as it provided for the performance of divine worship provided there was a sufficient number of juvenile offenders, so that in fact the religious worship was made to depend upon the having a good supply of juvenile offenders. The hon. Member for North Warwickshire (Mr. Newdegate) appeared to be very much alarmed at the word "mass;" if the words "celebration of the Holy Eucharist" were inserted instead, probably the fears of the hon. Member would cease.

Mr. SPOONER said, he was sorry to hear his hon. Friend (Mr. Drummond) speak so lightly of the word "mass." He should recollect that the Sovereign of these realms was bound by Her Coronation Oath to maintain the Articles of the religion of the Established Church of this country. Now, what did these Articles say in reference to the mass? Why, that it was a "blasphemous fable, and a dangerous conceit." And yet they were told by the hon. Member for West Surrey there was nothing in the word. If this clause should pass, it would be the first authorisation of the celebration of mass by Parliament since the Reformation, and he did not hesitate to say that the Minister who should advise his Sovereign to sanction this Bill was guilty thereby of a high crime, and should be impeached. The maintenance of the Protestant religion was the condition on which the Sovereign held Her Throne, and whoever advised Her to break Her oath in that regard deserved to be impeached. The principle was a most dangerous one, and one so monstrous that the Protestant feeling of this country would never recognise it. If such aggressions were persevered in he hoped Protestant feeling would be roused from end to end of the empire. He trusted that the noble Lord the Member for Middlesex (Lord R. Grosvenor) would not endanger the passing of this most important Bill by persisting in the introduction of the offensive words of this clause.

Mr. ADDERLEY said, if his hon. Friend the Member for Cirencester went to a division he should vote with him, because he was perfectly convinced that this provision would be found utterly impracticable, and would operate as a very great impediment in the way of the successful management of these institutions. He regretted to find that the religious question was a bugbear in the way of all practical measures like the present. He had spent a great portion of his life in the management of institutions of this description, and he had observed that the difficulties which were so often urged in theory proved absolutely evanescent in practice. He was convinced that it was better to deal with those difficulties as they arose. Another reason for supporting the Amendment was, that the clause, as it appeared to him, was full of absurdities. In the first place, it provided that these juvenile offenders should not be compelled to attend any religious service conducted in a mode which was contrary to the religious principles of such juvenile offenders. Could anything be more ridiculous, when the great probability was, that in ninety-nine cases out of a hundred they had no religious principles whatever? The next line provided that their instruction in any religious education should not be authorised except in such religion as was professed by the parents. The majority of these children, however, were orphans, or, if not, their parents professed no religion. Finally, the provision of the words in dispute, which had been introduced for the sake of a new theory, was such as he ventured to say no one would be able to carry into effect. They would find it exceedingly difficult to carry out the provisions of this clause, as it would be impossible in many instances to provide sufficient room in which with decency the various religious services might be performed. He should, therefore, oppose the clause on the ground of its impracticability, and also because it would be a precedent which would induce parties to introduce in all such Bills similar clauses.

Lord DUDLEY STUART said, that he had opposed the Bill when a Member of the Committee, and also on its second reading, on the ground that it was objectionable, as it gave additional powers to the magistrates to tax the people, and because it introduced an important alteration in the law, which he considered ought not to be enacted by a private Bill, but ought rather to be the subject of a general measure. The Government had promised a measure on reformatory schools, and one on the county rate, and if they would state when they would introduce those Bills it would be entirely unnecessary for the House to be occupied with the present Bill. The objections which he had raised to the principle of the Bill in Committee being overruled, it became his duty to make the Bill as unobjectionable as possible, and he considered that the present clause was an improvement to the Bill, as it was founded on the principle of religious liberty, which he desired to see extended to all sects and denominations, and he hoped the hon. Member for Cirencester would withdraw his Amendment to it.

Mr. HENLEY said, he could not support the Amendment to strike out the words as they stood in the Bill, on the ground that there would probably be a large number of Roman Catholic children in this establishment, and he thought it but right and just that they should have an opportunity afforded them of meeting together for some form of divine worship. He considered that the provisions of the clause were most desirable, and he should, therefore, vote for the clause as it stood.

Question put.

The House *divided*:—Ayes 190; Noes 108: Majority 82.

CHURCH RATES BILL.

Sir **WILLIAM CLAY** said, in rising to move for leave to bring in a Bill for the abolition of Church Rates, he felt that he might at once assume that an almost entire agreement of opinion existed, that the time had arrived for a settlement of this question. He thought he was entitled to assume that, not only from the notoriety of the fact that such a feeling was widely prevalent, but also from the measures which on both sides of the House had been brought forward on the subject. He need scarcely remind the House that Motions on the subject from the Liberal party had been of frequent occurrence. Measures had been brought forward by the Government of Earl Grey in 1832, and by that of Lord Melbourne in 1837; by Sir John Easthope, and by Mr. Trelawny, by the hon. Member for Finsbury (Mr. T. Duncombe), by the hon. and learned Member for Tavistock (Mr. R. Phillimore), who, he believed, represented the views of persons of high authority in the Church of England itself, and also by the hon. Member for South Leicestershire (Mr. Packe), who sat on the other side of the House. These measures differed much from each other, but he had a right to adduce them as proofs of the universal assent which was now given to the opinion that some alteration in the law was necessary. Since he had last had the honour of addressing the House on this subject, two circumstances of very great importance had occurred—one being the decision of the House of Lords in the Braintree case, and the other the publication of the Census Report on Religious Worship. The decision in the House of Lords to which he had alluded was the conclusion of the famous Braintree case, which had been in litigation sixteen years. The substantial essence and effect of the decision in the Braintree case was this—the House of Lords, having had the advice of the Judges, pronounced by the mouth of Lord Chief Justice Truro, judgment that the church rate under contest was invalid, inasmuch as it had not had the assent of a majority of the vestry. Lord Truro took occasion to state that the Judges were unanimous in the opinion that a church rate, to be valid, must have the assent of a majority of the vestry. Some difference of opinion had existed among the Judges who were consulted, one or two thinking that a majority of the vestry, by refusing a rate, would oust themselves of their jurisdiction, and that in such a case there would be a constructive majority in favour of the rate. Lord Chief Justice Truro, in a judgment characterised by that luminous phraseology and that power of analysis for which the noble and learned Lord was celebrated, overruled that view of the question, and it was finally decided by the House of Lords, as he had stated, that to make a rate valid it must be assented to by a majority of the vestry. He entreated the House to consider the full importance and significance of that decision. The decision not only set at rest the disputed point as to whether the churchwardens on their own authority, or the churchwardens supported by a minority, could make a valid rate, but incidentally and for all practical purposes it likewise disposed of two other questions, namely, first, whether church-rates were to be considered as a perpetual obligation upon property as such, or only as an obligation on property in virtue of the person; and secondly, whether there was a common-law obligation upon the parishioners to maintain the fabric of the parish church. With regard to the former point, the authorities were all in favour of the church-rate being considered as a personal tax; and though on the second they were of opinion that there was a common law liability to maintain the fabric, yet it was obvious that there were no means of enforcing it. [Mr. R. Phillimore made a gesture of dissent.] His hon. and learned Friend seemed to be of a different opinion. The liability might indeed be enforced by the Ecclesiastical Courts—by interdict and excommunication; but those weapons might be left in the repose in which they had so long slumbered, for their effect would certainly not be to alarm those against whom they were directed, whatever other sentiments they might create. It might naturally be supposed that the result of the law being at length clearly defined would be to cause a contest in every parish where the Dissenters were in a majority, or equal to, or even approaching in numbers to the members of the Church. Such had actually been the case; and in a by no means perfect list which had been prepared of the places in which there had already been church-rate contests, containing, among other important towns, Liverpool, Bristol, Chelmsford, Hull, St. Asaph, Ashton, Barnard Castle, Cheltenham, Derby, Newcastle, Southampton, Warrington. Sixteen contests had terminated in favour of the rate, and forty-two in its refusal. Let the House consider what these contests were. They were not ordinary contests with regard to a tax, such as occurred in that House, where parties might differ as to the amount or proper application of a tax. But these church-rate contests were for a tax of which the proceeds were to be employed solely for the benefit of one party. It was as though the majority of the House last night had voted for a tax to supply themselves with some articles of necessity or luxury—with bread and meat, or claret and champagne—at the expense of the minority. It was difficult to say to which party these contests were the most disastrous, whether to the Church or its opponents. For, after all, upon whom were these rates levied? Was it on a small portion of the people? Was it on a fragment of the population of England, so minute that it was unnecessary and unbecoming the dignity of that House to listen to their complaint? Upon that head they had recently the most extraordinary disclosures, upon the most complete authority—the Census Report on religious worship. The population of England and Wales at the last census was 17,927,690. The proportion for which Church accommodation ought to be supplied was 58 per cent, or 10,427,609. The Church and Nonconformist bodies had provided, in 34,467 places of worship, sittings for 10,212,563 persons. Of that number the Established Church had provided, in 14,077 places of worship, sittings for 5,317,915 persons; the Nonconformists, in their 20,390 places of worship, provided sittings for 4,894,648 persons. Therefore, if not of the entire people (of that there was no means of judging), yet of the religious portion of the population, those who availed themselves of the places of worship, nearly one-half did not belong to the Established Church; and that which the law now did, therefore, was to set one-half of the people in incessant discord and strife with the other half, in the attempt to extract from them this tax. The attendance at the places of worship of all denominations, on the census Sunday was 10,896,066. Of these 5,603,815 belonged to the Established Church, and 5,292,251 to the Nonconformist denominations. Here the same proportion was obtained; and this went far to confirm the accuracy of the whole calculation. To his mind these figures were absolutely conclusive on one point—that the law could not be continued in its present state, either consistently with the interests of the Church itself, or with any show of justice towards those upon whom the tax was levied. The question remained, in what mode the alteration should be effected. Various modes had been proposed. The first was to take the law as it now stood, enforcing the universal obligation on all to pay church rates, and devising some means to give effect to that obligation. He had thought that no one would now take that view; but recently a petition had been presented from some rev. gentlemen in the diocese of Exeter, praying that means might be taken for enforcing the payment of church rates in all parishes. Anything so Quixotic had seldom been proposed. Let any one imagine an attempt to enforce church rates in Manchester. To ensure success it would be necessary to recall our Army from the East. The second was the mode proposed by the hon. and learned Gentleman (Mr. R. Phillimore), in conformity with a proposition of the same kind by Sir W. Page Wood, and also in conformity with opinions expressed in the very able pamphlet of the noble Lord the Member for King's Lynn (Lord Stanley). That proposal was to enable Dissenters, on complying with certain formalities, to relieve themselves from the liability to pay church rates. It had an aspect of fairness about it, but it was, in the first place, an offensive thing to insist on the declaration of any man's religious belief, while, by forcing men to define their creed, they would sharpen those differences of opinion of which those by whom they were entertained were often scarcely conscious, and which it should rather be the aim of a wise legislation to obliterate or soften. There were a great many persons who went to church in the morning, and in the evening to some Nonconformist chapel. When it was also taken into account how wide a door this mode of settlement would operate to evasion and fraud, he could not believe it was likely to receive the support of the House. Then came the proposal of the hon. Member for South Leicestershire (Mr. Packe), which most whimsically combined all the objections to which every mode of settlement had been considered obnoxious. The hon. Member, for whom he had a great respect, proposed to retain a large portion of the church rate, and enforce it by summary process, whilst he also proposed to relieve Nonconformists upon declaration of religious belief being made before two magistrates. He now came to the last mode, and that was entire abolition. That was the mode which, either by itself or accompanied by some substitution of other sources for the maintenance of church fabrics, would be found to be the only mode of dealing with the question. Whether the abolition should be accompanied by some substitution of other funds to provide for those objects to which church rates were applied, was a question upon which arguments of considerable weight might be used on either side, and upon which a difference of opinion might very fairly exist. It was a question more for Churchmen than Nonconformists. The essential point for the latter was abolition. To that they were entitled. It was for the members of the Church to consider whether by law they would provide a substitute. In bringing forward the subject last year, he suggested that some provision for those objects might be found in the surplus funds of the Church, not because he believed such substitute necessary, but because there was a difference of opinion, and some thought that the Church, being a national establishment, some provision should be made by law for the maintenance of established places of worship. He concurred in the opinion expressed by the noble Lord (Lord J. Russell), that the superfluous wealth of the Church might fairly be devoted to keeping up the fabrics of the Church. No one doubted that the surplus revenues of the Church would be ample for the purpose; for in 1833 Lord Althorp stated the amount applied to keeping up the fabrics was about 250,000*l.*, and a Report of a later date, in 1840 he believed, estimated it at about the same sum, while the careful inquiries of the noble Lord the Member for Woodstock, of which he had so recently stated the result to the House, showed that more than twice that amount might be derived from a better administration of Church property. As to the expenses attending the ministration of divine worship, pew-rents would be sufficient. They had been used for the purpose in a great many churches, the public mind was familiarised with their application in that way, and no more just principle could be devised than that persons using the church should pay for the ministration of that worship which they approved. If, therefore, the Government adopted the Bill he was about to propose to introduce, they could either engraft upon it those propositions, or make it the law of the land, as proposed, and bring in an additional Bill for that purpose. He was bound, however, to declare, on the most mature consideration, and a most careful analysis of all the facts that had come to his knowledge, that church rates might be abolished without the smallest chance either of the ministration of service being left unprovided for, or of the maintenance of the fabrics being impaired. The facts were startling. During the first half of the present century, more churches had been built than during 200 or perhaps 300 years before. From 1801 to 1851, 2,529 churches were erected, at an expense of 9,087,000*l.* The contributions towards those 9,000,000*l.* from the public funds amounted to 1,663,429*l.*; while from private benefactions they amounted to 7,423,571*l.* The proportion of public funds was 17 per cent to 83 per cent private benefactions. But if they divided the half century into two periods of thirty and twenty years, the result was still more surprising. From 1800 to 1830, 500 churches were built, at an expense of 3,000,000*l.*, whereof there was contributed from public funds 1,152,044*l.*, and from private funds 1,847,956*l.*, being 35 per cent public, and 65 per cent private contributions. From 1831 to 1850, there were 2,029 churches built, at an expense of 6,087,000*l.*, whereof there was contributed from public funds 511,385*l.*, and from private funds 5,575,615*l.* or 8⅓ per cent from public funds, and 91⅔ per cent from private funds. It appeared that the exertions of the Church proceeded in an inverse ratio to the help received from the State. There were two grants by the State in 1817, and in 1824 or 1825, and in the first thirty years the proportion of private and public contributions was 35 per cent and 65 per cent. In the last twenty years, when no grants were made by the State, the proportion was 8⅓ against 91⅔ per cent. If, again, they added to the whole sum contributed in the half century to the building of churches by private benefactions — namely, 7,000,000*l.*, the expense defrayed by Nonconformists in the erection of 10,000 chapels at an average cost of 1,500*l.* each, or 15,000,000*l.*, it would give a total of 22,000,000*l.* devoted to the erection of places of worship by private benefactors, as against 1,663,000*l.* contributed from the public funds, or 92½ per cent against 7½ per cent. Such a statement as that almost precluded argument. It showed beyond all doubt that the members of the Church felt that attachment towards her which rendered it impossible that her places of public worship could fall into decay, and that, so far from aid from the public doing good, it only tended to damp the ardour and relax the exertions of members of the Church. Throughout the large towns of the kingdom church rates had been abolished, and they were rapidly ceasing to exist anywhere, yet there were no complaints of the churches going to decay; and the information he had received induced him to believe that more was being expended on the fabrics than when the church rates existed. In corroboration of this, he would read a few lines from a letter which he had received from Liverpool on the 9th of May, and which was as follows:—

> "The change of sentiment on this impost is very marked, and gaining ground in Liverpool and its locality, as shown by the facts. On Easter Tuesday, the Liverpool churchwardens proposed a rate of three-farthings, which was rejected by a large majority. On a poll there was a majority of 537 persons, and 412 votes. Under the circumstances the conduct of the rector—Campbell—has been very commendable. At the close of the poll he expressed himself as satisfied with those who exercised their rights in voting against the rate. Next Sunday he laid the defeat before his congregation in a suitable address, and called upon them henceforth to unite with him in making a voluntary contribution for the purposes to which the church rate would have been applied. The Sunday following a printed address from the rector was put into the hands of each of his congregation, stating that for the future there would be a weekly collection made by the congregation instead of any church rate. It is now continued every Sunday, yielding an average of 15*l.*"

It was for these reasons he was convinced the best mode was to abolish church rates, and trust to the affection of the members of the Church to provide funds for those purposes to which they were applied. It was in accordance with these feelings that he asked leave to introduce this Bill. It consisted of two clauses, but, in reality, there was only one, the second being a proviso to the first—the one abolishing church rates altogether, and the other reserving them where they had been mortgaged under the authority of any local or general law, until the charges to which they were applicable were extinguished or otherwise met. It was admitted on all hands that the law could not remain in its present state, and he thought he had shown conclusively that no mode was so desirable as an entire abolition. He appealed to gentlemen who were members of the Church whether the time had not arrived to relieve themselves from the reproach of not having sufficient earnestness and sincerity in their attachment to the Church of which they professed to be members, even to maintain the fabrics which the piety of our ancestors had raised. Was it not time that they should show themselves too proud, if not too honest to call upon those who did not use them to contribute to the expense of maintaining their places of worship? Was it not time, above all, to close this perennial spring of bitter waters, to stop this source of acrimonious feeling, and to abolish an impost, collected in the name of religion, but opposed to every feeling which religion inspired? He saw no reason why there should not be peace. Churchmen and Dissenters both professed to belong to a religion of peace; why should not harmony exist? The field of harvest was wide enough for all, and why should they not pursue with goodwill towards each other their glorious vocation—to instruct, to enlighten, to elevate, and to humanise their fellow creatures? There were abundant and sufficient reasons for mutual respect. Churchmen should not forget that they owed to the Nonconformists, not only religious, but in a very great degree civil freedom. They should not forget that at the most critical period of the history of the Church they had resisted the blandishments of power, and the yet more seductive temptation of vengeance for unforgotten wrong. Nonconformists, on the other hand, must not forget that the Established Church was one of the foremost bulwarks of the Protestant religion; for the existence of that Church gave stability as well as dignity to every variety of the pure and Protestant reformed religion. They could not forget that this institution, whatever fault they might find with it, was one of the great institutions of our common country, to which there had been wanting neither the blood of martyrs, nor the illustrations of genius, nor the nobler illustrations of sanctity and holiness of life. The absorbing interest of that war to which a terrible necessity had driven us, had prevented the carrying out of almost every project of internal amelioration and reform. He would fain hope that at least one plan of reform might receive the countenance of that House, and that that might be the reform involved in the measure he had had the honour of submitting to the House. At all events, it was a step onward in that path upon which the great principles of religious liberty shed their enduring light. He had now only to move for leave to introduce the Bill for the abolition of church rates, of which he had given notice.

MR. PETO, in seconding the Motion, said, he must beg to express his gratification that it had been introduced by a member of the Church of England. This question had been looked at too much as a Dissenters' question; it was really as much a question for members of the Church of England as for members of the Nonconformist body. Since 1801, upwards of 2,000 churches of the Church of England had been erected by voluntary contributions. Every one of those was at present supported in the same way; but still the parties worshipping therein were liable to church rates for the parish church itself. The Nonconformists objected to church rates on two grounds. The first of these grounds was, their strong and conscientious objection, arising from their belief of the voluntary nature of every religious exercise; the second, by their strong feeling of the impropriety of forcing parties to support religious services of which they disapproved. It could be shown to the satisfaction of the House that such an assessment was not at all necessary for the support of the edifices used for religious worship, and that it was in itself impracticable. The Census showed beyond the possibility of doubt that the Church of England could raise upwards of 7,000,000*l.* within the last half century for the erection of churches; and it was not at all likely that a body possessing such zeal and determination to support their own principles would allow their churches to fall into decay. The Dissenters had 20,390 places of worship, every one of which was entirely supported by the voluntary contributions of the worshippers. In those centres of activity and intelligence, Yorkshire and Lancashire, the Dissenters had a large majority of places of worship and sittings. In Lancashire they had 1,150 places of worship and 450,000 sittings, being a majority of 621 places above the Church, and the attendances showed an excess of 34,000. The returns for Yorkshire and Wales were still more favourable for the Dissenters. Look again at what Scotland had done. The exertions of the Free Church upon the voluntary principle had produced results that were the wonder of the age, but it was often argued that it was in the towns only, and in the manufacturing districts, and not the rural districts, where these questions about church rates were raised. That, however, was not so, for some of the severest contests with regard to church rates had arisen in rural districts, where feeling ran much higher upon the point than in the towns. Beyond these disputes there arose considerations respecting the possibility of collecting church rates. Many people who might be supposed liable to them successfully resisted payment, and he found by a return obtained in 1852, that of the 6,365,351 persons in the country who were liable to the church rate no less than 3,500,000 absolutely and successfully refused to pay it. To think of continuing the rate, then, was quite out of the question. He must say, with respect to the Bill introduced by the hon. Member for South Leicestershire (Mr. Packe), that he believed they were only prolonging feelings of bitterness, and preventing the fair and final settlement of the question by the introduction of these half measures. He believed that justice required that church rates should be totally abolished, and that the Church of England could do nothing more effectually to promote peace than by meeting this question in a fair and liberal spirit, and by showing a proper reliance on her own principles. He knew that Dissenters were sometimes charged with entertaining feelings of bitterness towards the Church. He disclaimed on his own part, as a Nonconformist, all such feelings. Although he was himself a Dissenter, no Member of that House would rejoice more than himself to see the Church of England prosper—to see her reformed within herself—to see the immense revenues in her possession brought to bear for the benefit of the country, and to see her relieved of the scandal which was at this moment caused by the incomes enjoyed by her bishops, and by the higher orders of her clergy, and by the lax state of morality which prevailed in our cathedral towns. He believed that if half the money which was expended on our cathedral establishments were devoted to city missions, to the augmentation of the incomes of the poorer clergy, and to the placing of clergymen where none at present existed, the Church of England would have a much stronger hold on the feelings and affections of the people of England; and the Dissenters, so far from regretting, would most heartily rejoice to see it, because by such means the cause of true religion would be advanced, and no interest whatever, with respect to the Church, would be sacrificed. He knew it was sometimes said of them that they wished to sacrifice the prizes of the Church. But what should be the prizes of the Church? If he knew anything whatever of the obligations of a Christian man, he should rank first among those obligations the duty of living, as far as it was possible, according to the revealed will of God; and if he were told that it was a "prize" for a clergyman to obtain an income of some 15,000*l.* or 20,000*l.* a year, when 5,000*l.* would be sufficient to maintain him in any position of life which it was necessary for him to fill, he must reply that he believed those incomes were a source of great discomfort in the Church itself, and were perfectly unnecessary. In conclusion, he must repeat his conviction that such reforms as he had indicated, and the dealing with this question of church rates in the only way in which it could be dealt with satisfactorily, would tend to strengthen the Church and to extend her influence, as well as to promote peace and harmony and good will throughout the entire community.

MR. WIGRAM said, he fully agreed with the hon. Members who had made and seconded this Motion, that the time had come when it was of the utmost importance that some measure should be passed upon the subject of church rates. He said so because in some districts of the country—although he hoped that those districts were neither many nor extensive—church rates had been the cause of much bitterness and unkindly feeling among the inhabitants. He was persuaded, however, that this had its origin in the uncertainty of the law relating to church rates. It was because for a long series of years the obligation to pay church rates had been a matter of uncertainty that attempts had been made to elude them. [*Cries of* "Hear, hear!" *and* "Oh, oh!"] He was persuaded that if the law upon the obligation to pay had been as clear as in the case of tithes, they would have had no more contests with respect to church rates than they had had with respect to tithes. ["Oh, oh!"] This was his belief. He hoped the House would not consent to the introduction of this Bill, which was a Bill not for the substitution of any other mode of repairing churches in place of that which had so long been recognised, but for the simple abolition of that provision which had so long existed for the maintenance of our parish churches. He doubted whether the expectation which had been held out—that, in the event of church rates being abolished, other means would be voluntarily provided out of which the churches might be maintained—would be realised in the result. Reference had been made to what the Church of England had done in the erection of churches, and in providing clergymen in those parts of the country in which they were most urgently required. Those only who had engaged in such undertakings could appreciate the difficulties which were experienced in such cases, and the efforts which were necessary to surmount them. To what extent, then, would those difficulties be increased if they called upon the friends of the Church, in addition to existing demands, to supply the means for those objects which were now provided for by church rates? There could be no doubt that the energies of the Church of England would be hampered, and her expansion impeded to a very considerable extent. The right hon. Baronet (Sir W. Clay) had truly said that the law on the subject of church rates had been fully and carefully considered in the Braintree case, decided in the last Session of Parliament; and if they would refer to that case, they would find that the Judges who had heard it were all agreed in opinion that the obligation on the owners and occupiers of lands and houses in this country to uphold the parish church was an obligation at common law—just as binding and just as clearly recognised as the obligation to repair county bridges. What was that obligation? It was to uphold in every parish in this country a house of God, open to the poor as well as to the rich. Would the House consent to the abrogation of such a provision, made from long antiquity, by the common law of this country, without the substitution of any other provision for it? He had heard no valid ground assigned for such a course. It was said, indeed, that contributions for the maintenance of our churches were called for from all, whereas all could not participate in their advantages; but the fact was that they were established for the benefit of the country at large, and were open to all those who could and would use them. Parliament, representing the whole people of the country, Dissenters as well as Churchmen, exercised over the Church a real and effective control; and laws were continually introduced into that House with respect to the Church of England. It was not the fact that the people generally could not use the churches; for the doctrines of the Church of England were such that the great body of the people could, with the utmost propriety and conscientiousness, partake of its benefits, and they only did not all do so, because, from slight differences, a portion of them preferred to provide other places of worship for themselves. Was that any reason why they should be exonerated from providing that which was for the common benefit of all? It would be as reasonable that a particular division of a county should disclaim the use of a particular county bridge, and expect to be exempt from contributing towards keeping it in repair. Church rates were a charge upon the land. Nothing but the merest quibble could represent it otherwise, and as the present owners of the lands of this country had acquired them subject to the charge, they had not, either in law or in equity, any claim to be relieved from it. The position of the case was this—the country had national churches for the benefit of all. From the remotest period of the history of the country there had been a common-law provision in the form of a charge upon the lands of the country for upholding and supporting such churches, and the Bill now sought to be introduced aimed at the destruction of that common-law obligation, without substituting anything in its place. He did not think a more serious blow could be struck at the stability of the Church of England, and he trusted that the House would place a negative upon the introduction of a Bill professing such objects.

MR. GARDNER said, as the representative of a constituency where Protestant Dissenters were perhaps more numerous than in any other borough in the kingdom, he wished to take that opportunity of thanking the hon. Baronet the Member for the Tower Hamlets (Sir W. Clay) for having proposed so sweeping a measure. He was of opinion that this vexed question could never be satisfactorily settled by any measure in the nature of a compromise. It appeared that the obligation of which the hon. Member opposite had spoken rested on the common law, or on custom, and this might have been all very well when the Established Church was really, and not nominally, the Church of the nation. It was all very well to say that the churches were open to all, if all chose to attend them; but all did not choose to attend them, and how were they to compel them to do it? Church rates, he believed, were unknown in any other country, yet the Church of England was the richest establishment in the world, and was very far indeed from deserving, as the last Census had shown, the name of a national establishment. Was it worth the while of the Church to keep alive a feeling of irritation, not only among Dissenters, but in the country generally, for the sake of this paltry sum. He was afraid that Churchmen forgot their own interest, that they thought to have a perpetual lease of power and pre-eminence, and that they were like the jovial clergymen described by Goldsmith, who met together and resolved that they would go on preaching to the world, and that the world should go on paying for their preaching, whether it liked it or not. He thought our whole ecclesiastical system was rotten at the core—that it would be wholly impossible to maintain it on its present foundation—that it was very unwise to go on irritating the Dissenters—and that the opposition which he anticipated would be offered on all sides to the introduction of this Bill was an indication of the blindness and infatuation which precipitated the downfall of every institution which had outlived the necessities and the circumstances of the times in which it was founded, and had ceased to be in harmony with the spirit of the age. He hoped his hon. Friend, although he might be beaten now, would persevere until his object was attained.

MR. PACKE said, he believed the time had arrived when some legislation must take place on this subject; but he was afraid, beyond making that admission, he could not agree with the remarks of the hon. Baronet who proposed to introduce this Bill. He wished to discuss this question simply as a citizen, without reference to the views of either the Church or the Dissenters; and, speaking in that sense, he must say he looked upon parish churches in the light of a national establishment, because they contributed to the good of the vast majority of the community. If this question depended simply upon who were the parties who worshipped in parish churches, he might be inclined to vote for the abolition of church rates; but the question was this, was it wise to disturb the basis of an establishment which had existed now for above a thousand years, and which had been adopted for the benefit, not of one, but of all classes of the people? The difference between a clergyman of the Church of England and a Dissenting minister was this: the minister of the parish church had the cure of every soul within the parish;

and that was the reason why he was paid; whether the people chose to go to him or not was quite another point, but there he was bound to visit the sick, to bury the dead, and to perform marriages and other religious ceremonies for all classes who might demand his services. Now, the Dissenting minister had no such responsibility imposed upon him, for he was only expected to perform those duties for the members of his own congregation; but there were other grounds upon which the maintenance of parish churches rested. The poor of the country, who, in round numbers, amounted to upwards of 6,000,000, could of course support no place of worship of their own, and of course it was the duty of the State to provide one for them. Then, there was a certain class of people who did not choose to go to any place of worship, and it was the duty of the nation to provide some place of worship for them whether they would go or not, in order that they might have no excuse for not going. According to the calculations which had been made from the last Census Returns, it appeared that there were 3,000,000 of people unable to go to any place of worship, 1,000,000 of sick, and 1,378,283 engaged as servants, while the numbers who attended all places of worship in England on the Census Sunday amounted, according to the Returns, to 10,896,066; but then what a lamentable account was exhibited under the head of persons who could go but would not. They amounted to no less than 5,288,294, and it was for the sake of those, coupled with the 6,250,000 of poor, that the State was bound to support parish churches. In the Bill which he had prepared upon this subject, he disclaimed all intentions of insulting the Nonconformists, in endeavouring to ascertain who were Dissenters and who were Churchmen. Well, now, this Bill proposed altogether to abolish church rates, and he wanted to know how such places of worship were to be kept up after the abolition had taken place. The hon. Gentleman also spoke of the great wealth of the Church of England, but if it was equally divided amongst the clergy it would not be more than 300*l*. a year for each, which was not more than sufficient for a man of the education and position of a clergyman. The hon. Gentleman next proposed the establishment of pew-rents, but if they resorted to that it would in small parishes prevent the poor from going to church at all. Since 1801 there were 2,529 churches built, at a cost of near 8,000,000*l*. It was a fine thing to see that the national Church had so many benefactors. But Parliament itself granted, by the 58 *Geo.* III. and 5 *Geo.* IV. no less than 1,500,000*l*., to the Commissioners for Building Churches, and this having been recognised as a national object, were they to stop short and refuse to keep the churches in repair? The hon. Member (Mr. Peto) who seconded the Motion complained of the hardship and injustice of forcing persons to contribute to maintain a religion which they did not believe to be true. It was unfortunately true that many persons did not approve of the doctrines which were preached in the national Church, but in the various denominations which dissented from the national Church there were differences of opinion. The largest dissenting body in the country were the Wesleyan Methodists' original connexion, who numbered 907,319, and they were not averse to church rates. He was sorry to say there were a great many persons who did not like to pay church rates from pocket considerations. Another point of consideration was this, that the Dissenters had a natural desire to be buried in the same grave by the side of their relatives, and to meet their wishes in that respect it formed a part of his Bill that they should not be deprived of the benefit of the ministration of the Church. He could not support the Bill of the hon. Baronet, and should, therefore, vote against the introduction of it if the House went to a division.

Mr. BIGGS said, that whatever the opinion of the hon. Gentleman who had last addressed them might be with regard to church rates, the opinion of the Dissenters was that they were a violation of the rights of conscience. It was his duty at one time, as chief magistrate of Leicester, to issue warrants of distress for the levying of church rates on the goods and chattels of Dissenters. His duty as magistrate, therefore, was in conflict with his religious convictions. In order to get out of the difficulty, he obeyed the letter of the law, and saved his conscience at the same time, by paying the church rates himself. In the five parishes of the town of Leicester, church rates were now abolished, but the period of transition was one of turmoil and heartburning — neighbour being set against neighbour needlessly and uselessly. To show the inconvenience sometimes occasioned by the imposition of church rates, he might mention that on one occasion, when he was dining with a party, a number of distress warrants were brought to the table for the signature of a magistrate, and that magistrate actually had to affix his name to a distress warrant against the host at whose table he was sitting. These cases were of perpetual occurrence, and was that a way in which the Church of England could expect to popularise itself? Although the Church of England might lose some pecuniary trifle by the abolition of church rates, he was sure it lost a great deal more in moral weight from their continuance. The Quakers had every year 8,000*l.* exacted from them for the support of an ecclesiastical system with which they had no sympathy. The injustice which had been inflicted on account of church rates would never be obliterated from the minds of those who had suffered by them, and let it be recollected that the Church of England, which resorted to these practices, was not only the richest Church in the world, but richer than all the other Christian Churches of Europe put together. As a Dissenter he believed that the Bill of the hon. Gentleman opposite (Mr. Packe) would be unsatisfactory, because the Dissenters would never make a distinction between what was called the furniture and the worship of the Church. If the hon. Gentleman would only join in carrying the Bill for the repeal of the church rates he would promise him on the part of the Dissenters of Leicestershire that they would build a monument to his memory.

Captain SCOBELL said, he should support the Motion of the hon. Member for the Tower Hamlets, being desirous to see church rates abolished as church rates. It had been said that the churches were open to the rich and the poor. That was true. But if the poor went to church, where were they to sit? In one-half of the churches in the kingdom there were no seats for them, and it was, therefore, worse than a deception to talk of the Church of England as a national Church. Nothing would be so beneficial to the Church as the re-distribution of its wealth for the good of the Church. The great blot on the Church was the unequal distribution of that wealth. It had been stated that the property of the Church was ample enough to allow each of its ministers 300*l.* a year. It was true at the same time that it could not be thus distributed, but if it were better distributed, there need not be in the Church clergymen who, with large families, might be said to be in actual want. He should like to see the pious man put forward rather than the man possessing the greatest influence, and the resources of the Church so employed as to produce the greatest amount of good to the country and to itself. With respect to church rates he saw no way so short, so effectual, and so certain of arriving at a desirable result as their total abolition as church rates, and he thought they might be dealt with in a way which he had never yet heard suggested. He could not forget that the land had for centuries been bought and sold subject to church rates, and that they were ingrained into the value of the land, and he did not see how they could be severed from the land; and those who advocated their total abolition ought to remember that those who had the most land would receive the most benefit from such a measure. Now he would abolish church rates as such, but would appropriate the sum thus raised to the purposes of education, either in an aggregate sum as a fund for the whole nation, or for the support of the schools in the particular places where the rate should be collected. All parties would thus benefit from the rate, and he believed that those who grudged the payment of a sum for church rates would cheerfully pay it in the shape of a school rate.

Lord STANLEY: Sir, I confess I do not quite understand the proposition of the hon. and gallant Gentleman that has just addressed us. He says, I believe, in effect, that he does not altogether desire the abolition of church rates, but that they should be transferred to another purpose. However, it is not my intention to occupy the attention of the House for more than a few minutes, because all the arguments used have been very much of one kind. I must say, so far as the Nonconformists and those who object to church rates are concerned, I do not think that the legislation of this House is of very much importance, because if Parliament were only to leave the public alone for four or five years more I believe it would be found at the end of that time that the question had settled itself. The real hardship, therefore, is not with those who object to paying rates, but it lies rather here, that there is always a great public disadvantage in our maintaining upon the Statute-book a law which the state of public feeling renders inoperative. And in addition to this there is involved the great hardship of throwing upon those who are officially responsible for the maintenance of the churches the necessity of resorting to a rate, and of adopting a course which can only be taken at the risk of creating great disturbance and ill feeling. Still, in many cases, notwithstanding such consequences, they were compelled to have resort to a rate, because if they merely proposed a voluntary assessment, they would be told "you need not come upon us in this way, for you have a legal provision to meet your wants." Now, what is the present state of the church-rate law? We cannot deny but that the position of the question has been much changed since last year, in consequence of the decision in the Braintree case. Up to that time it was supposed there was a power to compel parishes to maintain their churches, and of punishment in case of its non-performance. That led to rates being granted without any dispute in many parishes, where otherwise disputes and differences would infallibly have occurred. That state of things is now, however, at an end, and the consequence is, that the discussions which for some years had been checked are now revived in many parts of the country. Indeed, many of the most Conservative boroughs of the country—many whose feelings of attachment to the Church are very strong, have, nevertheless, refused to impose church rates. Such, then, is the present state of things; and there appears every probability of its lasting, although I believe the question will be ultimately settled in the course of a few years in every borough of the kingdom by a general refusal to pay the rate. That, however, is a result not to be attained without a great deal of disputation, ill-will, and discontent. For as to the church-rate law in itself, I do not suppose that any one will deny that it involves a great anomaly and has done so ever since the existence of dissent was recognised by the civil law. And I have no doubt that so far as the exemption of Dissenters is concerned that the majority of this House is in favour of such a proposition. But when we discussed the question last, it so happened that two different plans were proposed—one resembling that which the hon. Baronet (Sir W. Clay) has this evening revived; the movers of each, however, disapproving of the other's proposal. In consequence, therefore, of the difference of opinion prevailing, the whole question fell to the ground. At present, we have again two plans laid before us, not precisely, however, those of last year. One of them originates with my hon. Friend (Mr. Packe), and I am quite sure he brings it forward with an earnest and sincere desire to satisfy all classes of the community. But I confess, looking at his proposition, which provides an exemption from the payment of certain temporary expenses—I confess it appears to me that the distinction drawn is too minute to give satisfaction to those who object to be taxed at all; for I would impress upon the House that this question has never been raised as one of money. If I take the total amount that is raised from the Nonconformists, I believe that at the very highest computation it has never exceeded 200,000*l*. The amount, therefore, becomes a totally insignificant one when the question of feeling is taken into account. The question throughout, it cannot be concealed, has not been one of money, but one of principle. And that being so, I believe that if we continue to uphold our old law—if we are still to resort to the old machinery of imposing a rate—although we may diminish its amount—although in other ways we may alleviate the amount of the pecuniary burden—that the daily objection on the ground of principle will not be removed, and that all that will have been done will be to render our rate less productive in amount, though no way less objectionable on the ground of feeling. Well, then, the proposition brought forward last year by the hon. and learned Member for Tavistock (Mr. R. Phillimore) was founded, in some respects, upon a different principle. It proposed the entire exemption from church rates of those who did not belong to the Church. Now, I believe that there was nothing in that proposal which could be called unfair or unreasonable. I confess I cannot see anything of the character of hardship or persuasion in simply calling upon men—not so much to make a declaration of their religious opinions—but to declare whether they intend to use the Church or not, and if they do they must pay for it. So far as my own opinions are concerned, I think that a compromise might be effected; but the result will be, whether such a measure be passed or not, that in a few years the principle of collecting those rates will be abandoned, and a different system will be resorted to. But the proposition of the hon. and learned Member for Tavistock was not received by this House; and inasmuch as it was not brought forward again this year, I regard it as being entirely out of the question. The only alternatives we have to consider are these:—we may keep the law as it is; but that, I apprehend, is not desired by anybody. Well, then, we may adopt the proposition of the hon. and learned Member for Tavistock, to which I have referred; but I confess I think that this proposition would not produce the effect he anticipates—that of satisfying the claim of Nonconformists. There is, then, a third course — namely, that which is proposed by the hon. Baronet (Sir W. Clay). It is proposed to settle this question for all interests in the way in which one-half of England has already settled it. Sir, I think that the hon. Baronet has exercised a wise discretion in not attempting to determine from what sources these funds are to be taken which are to replace church rates. In regard to the expenses of the Church, it is proposed that they should be defrayed from the lands of the Church. Now, that is a plan which I think is surrounded with considerable difficulty. In the first place, we hardly know the amount or value of that property. In the next place, it is wanted for many other ecclesiastical purposes. And, lastly, and in my mind the most important consideration is—it appears to me a very objectionable principle to say that you will provide for local wants and local circumstances out of the general central fund. Whether the contribution be voluntary or obligatory, I think that it is a sound principle to say that every place shall pay the expenses of its own requirements. The proposed measure of the hon. Baronet omits to deal with this part of the question. It simply declares the abandonment of the principle of a compulsory rate. Well, Sir, I think that the time is come when that abandonment is necessary. I do not say that the doctrine of the new system, of this voluntary system, is altogether free from risks and difficulties. Those risks and difficulties have been alluded to already. I see them as clearly as any hon. Member here; but I believe that there is no option now left us. I believe that the country has already decided this question; and I am of opinion that it is our duty and best wisdom to acquiesce in that decision.

Mr. CROSSLEY said, he must argue against the principle of compulsory church rates, which had no effect on Dissenters, as regarded their religious belief; and as regarded unbelievers, it was not the way to induce a man, who was indisposed to attend public worship, to do so by taking away his goods. That was beginning at the wrong end, and that before you went to a man for his money to support a religion you should first induce him to believe in that religion which you wished him to support.

Mr. PHILIPPS said, that speaking on behalf of a part of Her Majesty's dominions which was much interested in this question, he could not think that, however much had been done in the building of churches by voluntary efforts, that the support of churches should be left to that system. The hon. Baronet (Sir W. Clay), by his proposition to abolish church rates, had left them to trust entirely to the voluntary system. He should be glad to see this question settled in an amicable manner, but he could not consent to the abolition of church rates unless he saw some mode of supporting the churches substituted for that which now existed.

Mr. ROBERT PHILLIMORE said, as he had been pointedly referred to by the hon. Baronet (Sir W. Clay) and the noble Lord (Lord Stanley) as the mover of a Motion on this question last year, he thought it would not be improper if he made a few observations. The Motion now before the House was brought forward with a totally new view. It did not propose that Dissenters should be relieved from the payment of church rates (a proposition in which he would heartily agree), but it proposed to relieve Dissenters and Churchmen equally from the payment of rates, but no substitute for them was offered. It should be remembered that in Scotland church rates were paid by Dissenters from the Established Church, and they had not made any application to Parliament for relief. It was obvious that the principle of this measure must be extended to Dissenters in Scotland as well as in England. He was sorry that any hon. Members who were Dissenters from the Established Church should think that his proposition of last Session was so framed as to be in the least degree disagreeable to those who dissented from the Established Church. Nothing was further from his intention than to give pain to the religious convictions of any one. But he would call the attention of those who disagreed with his motion to a vote which was given on 27th March, when on the question of Ministers' money, an hon. Member moved as an Amendment that "no houses belonging to Roman Catholics or Dissenters should be subjected to a rate for that purpose." He had conscientiously voted for that Amendment, and surely all the objections which had been made to registering Dissenters applied to that Amendment; for how was it to be known whose houses were to be exempt unless some such plan was adopted? All the Nonconformists voted for that Amendment, and that was an answer to all objections to its being stated who were Dissenters and who were not. When he heard hon. Members appealing to the religious census, he thought they could not object to its being said who were Dissenters and who were not, for it was done to their hands already by the State. The noble Lord (Lord Stanley) had put that matter on the right ground; for no one was to be asked what were their doctrines, but whether they intended to make use of the Church or not. Could anything be more reasonable? and it was hardly to be expected that objections would be made to that by Dissenters. If that was an impracticable proposition, he for one thought it so desirable for the welfare of the Church that she should not take money from those who conscientiously dissented from her doctrines, that he would be ready to adopt almost any proposition which would put an end to such an unchristian contest. But still it was right to look at the extent to which the Motion made that night went. He could not agree with his hon. and learned Friend the Member for the University of Cambridge (Mr. Wigram), that this question should be looked at as an abstract question of law. It was true that the legal obligation now was the same as ever, but there had been a great moral change, and he wished the House to bear in mind that it was no reason because Dissenters suffered for conscience sake, that, therefore, Churchmen should not pay church rates, and be relieved from contributing to the means of dealing with the moral and spiritual heathenism which was festering in our crowded towns; and he thought that, so far from congratulating ourselves on a few millions having been spent in the building of churches, we ought to take shame to ourselves that double the money had not been expended in providing for the spiritual wants of the people; and he would be the last man in that House to consent that the money of the people should be applied to such purposes merely to relieve the wealthy churchmen. With regard to pew-rents, he believed them to be most objectionable. The church ought to be the poor man's home, and there all distinctions of persons should cease. For the reasons he had stated, he should adhere to any resolution which, while it really relieved Dissenters from the payment of church rates, did not also relieve Churchmen.

MR. DRUMMOND: I think, Sir, it is of great importance that we should really understand the bearings of the question on which we are going to vote; for I think, after what we have heard to-night, and especially after the speech of the noble Lord opposite (Lord Stanley), no one can fail to see that this question is far more extensive than the mere payment of a few pounds from which you propose to exempt Dissenters. It is perfectly plain, from the language which has been held to-night on this subject, that every argument which has been used against church rates would be equally valid against the support of the Church Establishment. It is very easy to talk of how delightful it is for brethren to dwell in unity and peace. Mr. Edward Gibbon Wakefield, when he was in Newgate, found that the thieves there were unanimously of opinion that the only causes of trouble in towns were the Judges, magistrates, and police officers. So those gentlemen who object to church rates affect to think that the question would be amicably settled if we would only allow them to rob the Church with impunity. [*Cries of* "No, no!"] Hon. Gentlemen talk of the thing being settled, but there is not one of them who talks of any mode of settlement whatever but the single one of refusing payment. If that is not only a way of robbing the Church with impunity, I do not know what is. We will talk of the application of the robbery afterwards. People are very fond of talking about conscience, and I, for my part, have no objection that any one should talk about his conscience. But it is too often found that the secret insinuation of those who talk about their own conscience is that nobody else has any conscience. In all countries in the world of which we have any record, we find that the Sovereign of the country did establish, for the benefit of his subjects, a national religion. That national religion was of necessity the religion of the Sovereign. It was his conscientious duty to do so, and the conscientious duty of the subjects of that Sovereign is to assist the Sovereign in upholding all that is necessary for the religious instruction of his subjects. You say, "Yes, but we have now that blessed thing called dissent." Well, that is a luxury no doubt, but then people must pay for their luxuries. You cannot keep a pack of hounds or a box at the opera without paying for it; why then should you have the luxury of abusing the bishops—why should you have the luxury of attacking church establishments, and not pay the miserable pittance of church rates for it! But this is not all. I say it is, with regard to church rates, as it is with regard to tithes. There has been a great cry with regard to the abolition of tithes; but the result of such a measure would be that every landholder would put 10*l*. of property more into his pocket than he was entitled to. Now, to that course I object. I say, if you abolish tithe, let the State take it. I say the same thing with regard to church rates. You bought your houses subject to that rent-charge; you have no right now to put that money into your own pocket. Let the Church lose possession to-morrow; the money then belongs to the State. You have no right to it. If your conscience will not allow you to pay it to the State, then you will give us reason to suspect that this is not a question of conscience, but a question of money after all.

LORD JOHN RUSSELL: Sir, I have not much addressed the House upon this subject. It has been very frequently brought before us, and I think the ground of it is hardly changed in the course of the various discussions that have taken place. It was during the Government of Lord Grey a proposition was made to abolish church rates, but at the same time to give the sum of 250,000*l*. from the Consolidated Fund for the repairs of the churches; and likewise that there should be the means found for what an hon. Gentleman had called the furniture of the church. In 1837 a Bill was proposed by the Government to which I belonged, by which a certain portion of the revenue of the Church was to be taken for the repairs of churches instead of the church rates. Both of those measures were, however, violently opposed. The first was violently opposed by the Dissenters, who got up an agitation on the subject, and Lord Althorp found it impossible to proceed with it. The second measure was opposed with much vehemence and pertinacity by the Established Church, and the archdeacons throughout the country got petitions circulated everywhere, which were numerously signed against the measure. A division upon the subject took place in this House, and there being only a majority of five in favour of the measure, it was practically defeated. I confess that the rejection of both of those proposals, which appeared to me to have been framed in a fair and impartial spirit, has given me but very slender hopes of any fair adjustment of this question being effected. It appears to me, from what has been stated to-night, that there is as little disposition as there ever was at any former time to consent to what is called a compromise upon this subject. Some hon. Gentlemen approach the Church with every kind of blandishment with a view of inducing it to consent to give up the church rates. They say, "Your Church has the prettiest voice in the world; and if it exerted it for the purpose of persuasion, every one would at once yield to its influence." They say, "If you would only drop that which you have got in your beak, the body that is opposed to you will be happy to take it." There are others who approach the Church in another tone altogether. They say it is an institution that is rotten to the core; it was opposed to the spirit of the age, and nothing but the blindness of the members of the Church prevents them from seeing that that Church is doomed to destruction, and from consenting at once to any steps that they think may avert such destruction. Now, I cannot but consider that these prognostics are of a serious nature, and I cannot confide in the assurances hon. Members give us that if church rates were abolished, all sorts of ill-will and of dissension would cease; and that with regard to all other prerogatives and privileges of the Church there would be perfect acquiescence and contentment, and the Church might look forward to a state of happy and prosperous tranquillity. I confess I have no such anticipations. The Church has, independently of this question of revenue, various exclusive privileges. It has the privilege of a high position. It is established in the country, and is protected by Parliament. Its prelates have alone the right of seats in one of the Houses of Parliament, and on every occasion we find that those who differ from that Church complain of these exclusive privileges, and its high position in the country. Now, I am not saying that those feelings are unnatural, nor am I arguing that they are unreasonable at this moment. But all I do venture to argue, and all experience supports me, is, that you cannot expect, when you remove this one source of dissension, to have that tranquillity and contentment which have been prophesied by my hon. Friend (Sir W. Clay). On the contrary, I believe that this is one of a series of attacks that will be followed by other attacks of the same nature. If your principle is concession, and nothing but concession—if on every occasion you purchase peace by adopting this course—I confess that I am not prepared to say how far you will be obliged to go in this direction. At the same time I am very far from being ignorant of the difficulties that beset this question of church rates. We cannot deny that the state of law is most unsatisfactory, and that the remedies which prevail under that law give rise to scenes scandalous in themselves, and occasion ill-will amongst the various religious sects in this country. Well, however, this is practically true. While no man can deny that such is the state of the law, I do not myself see that you are likely to obtain any settlement of this question which shall be at all satisfactory unless you take into your consideration what are the present rights of the Church, and that you make your settlement upon a fair basis. I have heard of a settlement on this basis, and an hon. Gentleman opposite, who has introduced a Bill upon the subject, has adopted such basis—namely, that those who dissent from the Church should be registered as Dissenters, and, being so registered, that there should be a certain portion of the church rates to which they should not be obliged to contribute. Such was in a great part the measure of my hon. and learned Friend behind me (Mr. R. Phillimore). Well, I admit there is much to tempt one in this principle. At the same time, however, I cannot but think that very serious evils would follow hereafter from the distinctions that would be thus set up between Churchmen and Dissenters. One hon. Gentleman has gone through some statistics in regard to the Church. He has, however, I think, shown not exactly that which he intended. It may no doubt be true that the Church has no very great absolute majority in the country, but it is quite evident that it has a very considerable majority over every other denomination. The hon. Member has no doubt shown that there are great bodies frequenting dissenting places of worship; but there are many of those dissenting places of worship attended by a most numerous and respectable sect called Wesleyans, who profess no hostility to the Church, and who, while they purchase their lands and build their chapels out of their own resources, declare that they have no desire to injure the Established Church. They think that divine service upon the Sunday should be attended to by the members of the Established Church; but they also think that they ought to have dissenting chapels built for their own particular form of worship. I think it would be a very great calamity if you obliged those parties to say whether or not they were Dissenters, and thereby put them in a position of antagonism to the Church, which they did not themselves wish to occupy. Such being the case, I am disposed to think it would be far better that we should not now attempt during the remainder of this Session to find a solution of this very difficult problem. I do not think it would be wise—I do not think it would be consistent with the position which the Established Church holds in this country that you should totally abolish church rates. My hon. Friend (Sir W. Clay) says, "Let me abolish church rates, and you are at perfect liberty to find some provision afterwards for the repair of churches." That is a very convenient proposal for my hon. Friend's purpose; but I cannot forget, that whatever may be the present division of religious opinion in this country, those churches are, after all, national structures. They were intended to serve the purposes of a national Church; and the maintenance, at all events, of those fabrics appears to me to be a national object. I think it ought to be your first provision, and not your last, to endeavour to find some mode of maintaining those churches, and having found that mode, it would be most agreeable to every one to see that this particular species of support—namely, church rates—which is the great cause of vexation and ill-will, being no longer necessary, was by common consent to be abolished. But as the question stands at present, I certainly am not prepared to give my willing consent to the total and entire abolition of those church rates without any substitute and without any compensation. If a division should now take place upon the subject, I must, in consistency with my opinions, give a vote against the introduction of this measure. The House is not very full, and it may be that my hon. Friend may be successful in his Motion for leave to introduce his Bill; but as his principle is clearly declared, I should feel more at liberty, if he were to succeed upon this occasion, in opposing the second reading of the measure, after having declared my objections to it in the beginning, than if I had silently allowed it to be introduced. It is not, after all, of vital interest to the Church that this amount of revenue should be collected in the way in which it is now collected, or that it should be applied exactly in the way in which it has hitherto been applied. I have that belief, notwithstanding all that has been said of the falling fortunes of the Church, in the attachment of the majority of the people of this country to that Church, that even if it pleased Parliament totally to abolish these church rates, I think means would be found by the landowners, by the gentry, by men of all orders who belong to the Church, to supply the revenue which would then be wanted. It is not, therefore, from a belief that the Church would by the mere abstraction of so much revenue fall into decay, that I am opposed to legislation of this kind; but I do think, that if such a Bill were to pass both Houses of Parliament, it would be a symptom that Parliament was not disposed to give that support to the Established Church which it has hitherto afforded to it. I think that a concession upon this point, without the smallest consideration of other means of settling the question—of what was the state of the law—of what was due to the Church—I think that such a concession—that such an absolute surrender of the claims of the Church, would be a symptom that in any future attacks on the same establishment the assailants would be likely to obtain the assent of Parliament to their propositions. I cannot, therefore, assent to the proposal that is now before us. Whether or not my opposition to this Motion may be successful to-night, I feel assured that a Bill of this kind cannot pass through Parliament in the present Session. I think that the question, surrounded as it is with difficulty, requires further consideration. I have no doubt that a measure might be framed—and such a measure has already been repeatedly under the consideration of Government—which would meet the justice of the case, and which, if it were passed, would greatly tend to diminish, at all events, the popular complaints which are made against church rates. But that such a measure would pass through Parliament I own I have very great doubts. I am afraid that no measure could be found which would not meet with the opposition, either of the Church on the one side or of the Dissenters on the other. I am afraid that it will be, not only difficult, but almost impossible to frame a measure which, founded on principles of justice and impartiality, would meet with general approval and support. I know the pains that are taken by those who agitate the country, whether they belong to the Church or whether they belong to the dissenting bodies—I know the pains that are taken to defeat measures which seem measures of compromise, and of equal justice to both parties. I have found, with regard to measures which I thought most beneficial to the Church, that a hot opposition has been offered to them on the part of the Church, and that those measures have been almost defeated by that opposition; and I am bound to confess, on the other hand, that measures which I thought beneficial to the Dissenters, but which in their opinion tended to give too much to the Church, have been vehemently opposed on their parts. In fact, we live in times when these differences—differences sometimes on points of church government which are not very considerable in themselves, and differences at other times on questions of the greatest importance with regard to religious belief—I say we live in times when differences of one or other of these characters divide this country and produce the most violent excitement, and an exhibition of the greatest array of party passion and antagonism. Such being the case, I am not sanguine with regard to the success of any measure which the Government might frame, and which they might hope to introduce in another Session of Parliament. But this I will say, that I should think that if I were to give my willing assent to a Bill for totally abolishing church rates, without any sort of compensation or any sort of modification, I should be setting the example of a concession very dangerous to the Church Establishment, and when I say the Church Establishment, I believe I may say to the peace and welfare of the country.

Motion made, and Question put, "That leave be given to bring in a Bill to abolish Church Rates."

The House *divided*:—Ayes 129; Noes 62: Majority 67.

List of the AYES.

Alcock, T.
Anderson, Sir J.
Atherton, W.
Bailey, C.
Baines, rt. hon. M. T.
Bass, M. T.
Bell, J.
Biddulph, R. M.
Biggs, W.
Blake, M. J.

Bland, L. H.
Brand, hon. H.
Bright, J.
Brocklehurst, J.
Brotherton, J.
Brown, H.
Bruce, H. A.
Butler, C. S.
Challis, Mr. Ald.
Chambers, M.
Chambers, T.
Cheetham, J.
Cobbett, J. M.
Cobden, R.
Cockburn, Sir A. J. E.
Coffin, W.
Cowan, C.
Crook, J.
Crossley, F.
Currie, R.
Dashwood, Sir G. H.
Davie, Sir H. R. F.
Devereux, J. T.
Duke, Sir J.
Duncan, G.
Duncombe, T.
Dunlop, A. M.
Ewart, W.
Fagan, W.
Feilden, M. J.
Fergus, J.
Ferguson, J.
Fitzgerald, J. D.
Fitzroy, hon. H.
Forster, C.
Forster, J.
Fox, W. J.
Gardner, R.
Geach, C.
Gibson, rt. hon. T. M.
Glyn, G. C.
Goderich, Visct.
Goodman, Sir G.
Gower, hon. F. L.
Greville, Col. F.
Grosvenor, Lord R.
Hadfield, G.
Hall, Sir B.
Hanmer, Sir J.
Hastie, Alex.
Headlam, T. E.
Heard, J. I.
Heywood, J.
Heyworth, L.
Hindley, C.
Horsman, E.
Hutt, W.
Jackson, W.
Keating, R.
Keating, H. S.
Kershaw, J.
King, hon. P. J. L.
Kinnaird, hon. A. F.
Laing, S.
Langton, H. G.
Laslett, W.
Lee, W.
Lindsay, W. S.
Locke, J.
M'Cann, J.
MacGregor, John
M'Taggart, Sir J.
Maguire, J. F.
Martin, J.
Miall, E.
Milligan, R.
Mitchell, T. A.
Moffatt, G.
Morris, D.
Mostyn, hn. T. E. M. L.
Muntz, G. F.
Murrough, J. P.
Norreys, Lord
O'Brien, Sir T.
O'Connell, J.
O'Flaherty, A.
Pechell, Sir G. B.
Pellatt, A.
Phillimore, J. G.
Phinn, T.
Pigott, F.
Pilkington, J.
Pollard-Urquhart, W.
Price, W. P.
Ricardo, O.
Richardson, J. J.
Robartes, T. J. A.
Scholefield, W.
Scobell, Capt.
Scully, V.
Seymour, W. D.
Smith, J. B.
Stanley, Lord
Strickland, Sir G.
Strutt, rt. hon. E.
Stuart, Lord D.
Sullivan, M.
Thicknesse, R. A.
Thompson, G.
Thornely, T.
Thornhill, W. P.
Vivian, J. H.
Walmsley, Sir J.
Whitbread, S.
Wilkinson, W. A.
Willcox, B. M.
Williams, W.
Wilson, J.
Winnington, Sir T. E.

TELLERS.

Clay, Sir W.
Peto, S. M.

List of the NOES.

Alexander, J.
Bateson, T.
Beach, Sir M. H. H.
Bentinck, G. W. P.
Butt, I.
Child, S.
Clive, R.
Colvile, C. R.
Disraeli, rt. hon. B.
Drummond, H.
Du Pre, C. G.
Farnham, E. B.
Filmer, Sir E.
Fortescue, C. S.
Frewen, C. H.
George, J.
Graham, rt. hon. Sir J.
Greenall, G.
Greene, T.
Halford, Sir H.
Hamilton, G. A.
Harcourt, G. G.
Hawkins, W. W.
Hayes, Sir E.
Heathcote, Sir W.
Henley, rt. hon. J. W.
Herbert, rt. hon. S.
Hughes, W. B.
Hume, W. F.
Langton, W. G.
Legh, G. C.
Lennox, Lord A. F.
Lennox, Lord H. G.
Lockhart, W.
Luce, T.
Macartney, G.
Masterman, J.
Miles, W.
Michell, W.
Montgomery, H. L.
North, F.
Oakes, J. H. P.
Palmerston, Visct.
Peel, F.
Philipps, J. H.
Phillimore, R. J.
Portal, M.
Pugh, D.
Russell, Lord J.
Sandars, G.
Sawle, C. B. G.
Smith, W. M.
Spooner, R.
Tollemache, J.
Vane, Lord A.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Waterpark, Lord
Wood, rt. hon. Sir C.
Woodd, B. T.
Wyndham, W.

TELLERS.

Packe, C. W.
Wigram, L. T.

Leave given; Bill *ordered* to be brought in by Sir William Clay and Mr. Peto.

Bill read 1°.

The House adjourned at a quarter after Ten o'clock.

HOUSE OF COMMONS,

Wednesday, May 24, 1854.

MINUTES.] PUBLIC BILLS. — 1° Courts of Common Law (Ireland).
2° Medical Graduates (University of London); Cruelty to Animals; Consolidated Fund (£8,000,000).

THE PROPERTY DISPOSAL BILL—ADJOURNED DEBATE (SECOND NIGHT).

Order read, for resuming Adjourned Debate on Question [5th April], "That the Bill be now read a second time:"—Question again proposed.

Debate *resumed.*

MR. MALINS said, it was so long ago as the 5th of April that this Bill was under discussion. The object of the Bill was to prevent persons who had professed themselves as nuns executing deeds or other instruments by which they disposed of property in favour of the institutions of which they had become members. It was on the 14th of March that his hon. and learned Friend the Member for Enniskillen (Mr. Whiteside) moved for leave to bring in the Bill; and on that occasion the noble Lord the Secretary for the Home Department supported the principle of the Bill in language incapable of misconstruction. On the 5th of April, however, when the measure was last under discussion, the noble Lord stated two grounds on which he was inclined to oppose the second reading. The first of these objections was, that such a measure ought not to be proceeded with until after the Committee of Inquiry for which the hon. and learned Member for Hertford (Mr. T. Chambers) had moved should have been appointed. Now, the House was aware that that objection was entirely removed by the withdrawal of the Motion for the Committee. The second objection urged by the noble Lord to the Bill was that its preamble was offensive to Roman Catholics, and that its enacting clauses would either do too much or too little. With regard to the objection to the preamble, he (Mr. Malins) had only to observe that any such objection was a fitting subject for consideration when the Bill was in Committee. They might either alter the preamble or they might reject it altogether in Committee if they should think proper; and he would remind them that many most important enactments had been passed by Parliament without any preamble whatever. But the noble Lord had also stated—and that statement had been repeated by the hon. and learned Gentleman the Attorney General—that the Bill would not go far enough, inasmuch as it would not deprive nuns of all power whatever of disposing of property, and would not regard them as persons civilly dead. Now, upon that subject, he (Mr. Malins) should observe that he was prepared to adopt the principle laid down by the noble Lord and by the hon. and learned Gentleman the Attorney General. He believed that the more the House considered the position of those ladies who were designated—and, no doubt, preperly designated—as pious persons who devoted themselves to God, and thereby put themselves under the guidance of the priests of their communion—as persons who had altogether renounced the world and its affairs—the more would it be convinced that those ladies had renounced, with their other civil rights, the right of dealing with property. Under the law of this country, property could be legally devised by those persons only who acted on their own free and unbiassed discretion. And could any one believe that a lady who, at an early age—at an age between twenty and thirty—entered a conventual establishment, enjoyed perfect freedom of will, and was not under the control of the superior of the institution to which she belonged and of the priest by whom that superior was herself guided? He was sure that there was not a Roman Catholic Member of that House who would not readily admit that it was the duty of a nun to conform in all spiritual matters to the will of the superior of the nunnery, and of the priest whom that superior herself was bound to obey. But the House should bear in mind, that to the inmates of conventual establishments all matters were spiritual matters, and that those inmates must have positively and for ever renounced all connection with the affairs of this world. They must have renounced all rights of property and all power of dealing with property; and hence it was that it was one of the rules of those religious houses that any property which might accrue to the inmates after their profession was to be regarded as the property of the establishments of which they had become members. That was apparent from the famous Blackrock case, in which a portion of the property left by the testator M'Carthy had been claimed for his two daughters, who had become the inmates of the Blackrock nunnery. If the Bill should pass a second reading and they should go into Committee, and if it should be thought that its provisions would not go far enough, he should be prepared to move the insertion of a clause under which nuns should be deprived of the power of disposing of any property whatever. But the noble Lord the Secretary of State for the Home Department had further stated that the Bill would go too far. Now, what grounds could there be for that statement? It was not denied that many instances had occurred in which ladies, after having been professed, had disposed of property in favour of the establishments to which they belonged; and could the House doubt that such dispositions of property were frequently made under undue influence? He (Mr. Malins) submitted that they must necessarily be frequently made under undue influence, for he believed that there was no limit to the power exercised by the lady superior of a conventual establishment over the other inmates, or to the power exercised by the priest over that lady herself. That power was from its very nature unbounded and overwhelming. How, then, could the inmate of a convent dispose of property with that free will which was indispensable for the proper discharge of such an act? Free will must be utterly out of the question in such a case. What, then, did his hon. and learned Friend the Member for Enniskillen propose to do by that Bill? He proposed that whenever a will was executed by the inmate of a convent, after her profession, the burden of proving that it had been executed of her own free will should be thrown on the person in whose favour it had been made. In such a provision there was nothing contrary to the settled principles of the law of this country; there was nothing at which Roman Catholics could legitimately take offence. Members of the Church of England and Protestant Dissenters would be ready to admit that clergymen of their religious persuasions had on many occasions abused the influence which they possessed over the minds of persons whose spiritual advisers they had become, for the purpose of obtaining from those persons devises of property on their own behalf; and there could be no doubt that such devises of property were invalid by the law of England. He could assure the House that our courts of law had frequently set such transactions aside. Now, could the House suppose that the ministers of the Church of England, or of any Protestant dissenting body, exercised an influence so overwhelming as that which was exercised by those who had the spiritual control of the inmates of religious establishments in the Roman Catholic Church? He believed that no Roman Catholic would be prepared to deny that it was the duty of those inmates to yield an implicit obedience in all matters, spiritual and temporal, to those under whose guidance they were placed. The existence of that obligation had been clearly proved in the case of the sisters M'Carthy, to which he had already referred. In that case it appeared that when one of those ladies had shown a reluctance to sign a deed, the language addressed to her had been, "remember your vow." That free will which could alone give validity to an act for the transmission of property was thus destroyed; and it was the duty of that House to protect the families of persons who were thus incapable of protecting themselves. The hon. and learned Gentleman the Solicitor General for Ireland (Mr. Keogh) had said that the existing law would reach that case. But he (Mr. Malins) thought that the hon. and learned Gentleman laboured under a mistake upon that point. There was no doubt but that the present law would reach a very flagrant case, such as that of the M'Carthys. But there were other cases in which it would be impossible to get at the true facts, and in which, in consequence of the vow of obedience made by nuns, it would be impossible to obtain any evidence of the circumstances under which a deed had been executed, as it would be impossible for a nun to exercise her own free will. He would suppose the case of a nun who had devised a property, to which she had become entitled, to the establishment in which she was placed, and who, shortly after the execution of the deed, had died. How could any evidence be got in such a case? The doors of convents were closed; and Roman Catholics objected, as had been recently shown by the fate of the Motion of his hon. and learned Friend the Member for Hertford, to any inquiry into what was going on within those doors. It was under these circumstances that his hon. and learned Friend the Member for Enniskillen proposed to reverse the existing rule, and to enact that, in that case, the deed should be taken to be *prima facie* void, and that the burden of proving its validity should be thrown on the party in whose favour it had been made. Was there anything unreasonable or improper in such a principle? He confessed that he could see no valid objection to its adoption. Protestant clergymen were capable of abusing the spiritual influence which they might have acquired over the members of their particular communions, and it could be no offence to Roman Catholics to assume that their priests also were liable to a failing to which human nature must be exposed as long as it should continue what it was. Recent events must show the Members of that House, that Roman Catholic clergymen were as disposed at the present moment rigorously to exercise their influence as they had ever been at any period in the history of the Christian Church; and it was now the duty of the Parliament of this country, as much as it had been at any former time to endeavour to place some restrictions on the exercise of that influence. He trusted that under those circumstances the House would give its sanction to a Bill which, in the case of one class of Her Majesty's subjects, would impose a limit on the exercise of spiritual authority that need not be imposed in the case of other branches of the community, in consequence of the different regulations which they obeyed.

SIR JOHN YOUNG said, he had hoped that the hon. and learned Member for Enniskillen (Mr. Whiteside), following the wise example of the hon. and learned Member for Hertford (Mr. T. Chambers), would have withdrawn this Bill from the consideration of the House, and, by so doing, would have put an end to these unhappy polemical discussions which of late had been so frequently raised among them. That hope was based on the consideration that circumstances had greatly altered since the hon. and learned Gentleman had first moved in this matter. At that time he had brought the Bill forward, not without some encouragement from more than one quarter of the House, and a desire had been shown that the law should be made uniform; but since that period many circumstances had taken place which had entirely altered the complexion of the matter; arguments had been adduced which had completely demolished the hon. and learned Gentleman's proposition; but, above all, the Bill had created a feeling of uneasiness and resentment among large classes in England as well as in Ireland, which the hon. and learned Gentleman could not have contemplated when he first embarked in the undertaking. The hon. and learned Gentleman the Member for Wallingford (Mr. Malins), in a speech entering largely into polemical topics, had assumed that the noble Lord the Home Secretary had at first viewed the Bill with different eyes from those with which he had afterwards looked at it; but he believed the noble Lord had in fact stated that, while he did not object to the introduction of the Bill, he thought the recitals in the preamble were calculated to give offence, and he then said that, in his opinion, the Bill was so framed that it would be ineffective. The Bill was afterwards printed, and then the noble Lord, having had time maturely to consider its provisions, found that his apprehensions had been well founded, that the recitals were undoubtedly offensive, and that its provisions were likely to be totally inoperative even for the limited object it had in view. On these grounds the noble Lord had objected to the second reading, and he thought the course he had taken was not only well founded in fact and in reason, but was also strictly consistent. The argument of the noble Lord that if he were a Roman Catholic he should be inclined to look with favour on such a measure as this, if suspicions were generally entertained with regard to the proceedings in convents, amounted in effect to this—that if the Roman Catholic community placed a great value on these monastic institutions, then wealth would naturally and legitimately flow into them, and the small sums that could be obtained from parties acting under compulsion would be so trifling in amount that it would not be worth while, for their sake, to incur the suspicion that they were obtained by undue proceedings. If it were suspected that undue practices were carried on in these convents, it was for the Roman Catholics to see that those suspicions were put an end to. He could easily imagine that this opinion would be entertained by any honourable mind; but it was one thing for the Roman Catholics themselves to come forward and provide a remedy for the evils under which they suffered, and another thing for them to accept a remedy for grievances whose existence they did not admit from parties in whose amity they had no confidence. He regretted that this question should have fallen into the hands of a gentleman like the hon. and learned Member for Enniskillen; for it was impossible for him to suppose that he stood in such a relation to the Roman Catholics that any proposition emanating from him would be received with perfect confidence; on the contrary, it was more likely to be received with suspicion and distrust. Speaking generally, he thought this anxious care for the due regulation and the internal discipline of monastic institutions, this tender solicitude for the guardianship of the persons and property of nuns, coming from gentlemen like the hon. and learned Member for Enniskillen (Mr. Whiteside) and the hon. Member for North Warwickshire (Mr. Spooner), who were frequently in the habit of expressing their dissent from Roman Catholic doctrines—who looked upon that religion as one of superstitious errors, and believed that it was opposed to all enlightened progress and to all purity of religious creed—could not be received but with distrust and suspicion. That this was the general feeling among the Roman Catholics was fully proved by the numerously signed declarations which had appeared both in this country and in Ireland. The Irish declaration against interference by a Protestant Legislature with Roman Catholic institutions was signed not only by the Roman Catholic prelates, but also by a great number of the nobility and gentry of Ireland, by men of scientific pursuits, and by men who stood first in all the industrial undertakings of the country. To the English declaration was attached names well known in the annals of this country, many of them with high historic recollections known in the wars of the

Roses, noted for loyalty to the Sovereign and Constitution at periods of difficulty, representing families who had at their own expense equipped vessels to aid the Protestant Elizabeth against the Armada. All of them belonged to that class of the nobility, or the untitled nobility, who had done more to raise the character of the people of England than any other class. The Irish declaration said that the attempt to interfere with convents implied dishonouring suspicions; he thought it did imply dishonouring suspicions. The first clause in this Bill implied that every disposal of property which took place in convents was obtained by fraudulent means. What else could be the meaning of the provision, that the party who received the property must prove that the contrary was the case? It was said that the Bill was applicable to cases in which undue influence might be used in convents; but the cases in which such undue influence had been used were few in number, and far between, and he could show numerous other cases in which undue influence was alleged to have been used, with which the Bill did not attempt to deal. Thus the Bill was exceptional as it applied only to a particular class of cases; it would be inoperative; and it was invidious, as it was something more than a mere attempt to make the law uniform, for, in pointing at the improvement of the law, it cast a slur upon Roman Catholics and their institutions. The hon. and learned Member for Wallingford had some weeks ago, in the early part of his speech, stated that the noble Lord the Home Secretary had been induced to alter his opinion with regard to the Bill, because some fifty or sixty of the Roman Catholic Members of that House had at different times given their support to the Government. Now, he believed that there were not more than thirty-six Roman Catholic Members in the House, and more than one-half of those were on every occasion found in the same lobby with the hon. and learned Gentleman. Upon this point his opinion was directly at issue with that of the hon. and learned Gentleman, for he did not believe political support was generally to be obtained by favouring Roman Catholics. He believed that whoever gave them support, however modified, ran great risks, politically speaking. There were 551 Members returned to Parliament by Great Britain, among whom there was found only one Roman Catholic who was returned by overbearing territorial influence, in spite of his being a Roman Catholic. Although he believed there were many Roman Catholic gentlemen of rank and property who were not inferior in all the requisites for making good representatives to many of the Gentlemen who sat in that House, yet not a single constituency in Great Britain had been found to return any of them. Political support was more likely to be obtained by taking the other side — by riding the high Protestant horse and declaiming against the growth of Popery. In addition to these objections which had been urged against the Bill, that it was defective, and that it was exceptional in its legislation, there remained yet another which he individually entertained. Speaking for himself, not on the part of the Government, he thought that this Bill, and legislation of a similar kind, was a violation of the principles of Protestantism and an infringement of the principles of toleration. Looking at the position occupied by this country, he thought that we ought to afford an example of complete toleration, and that by our so doing the Protestant interest could suffer nothing. If it was the principle of Protestantism that no religious rite, no ceremony, no form of worship was of the least avail in comparison with a pure conscience, with a mind purified by faith—if each individual claimed the right of judging for himself in matters of religion—we ought to allow the same right to be exercised by others; and, instead of imposing penalties upon opposite sects, we ought to give them every possible freedom. Protestants followed out their own principles by supporting free discussion, an unfettered press, open pulpits, and tribunals which dealt equal justice between man and man, sect and sect; but the moment they imposed penalties, however modified, on the members of any adverse sect they deviated from the principles of toleration. He held the opinion of Mr. Burke to be wise and well founded — that it is desirable the Roman Catholic religion in this country should not be merely tolerated as an evil which could not be got rid of, but that it should be cherished and tolerated as a form of Christianity dear to a vast number of our industrious, intelligent, and valuable fellow-subjects, and that this toleration should be extended to all its rites, ordinances, and institutions. If undue practices did take place in these nunneries, that was the business of the Roman

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Catholics. He believed that there were sufficient numbers of them, and that from their position in society they had sufficient manliness and independence of thought to be quite capable of acting as guardians of their own property, and of undertaking to protect the ladies belonging to their own families. But the hon. and learned Gentleman (Mr. Whiteside) in proposing a Bill of this kind, asked us to deviate from that which was the strength of Protestantism—complete toleration—and, instead of trusting to free discussion for its extension, to trust to that which was at variance with those principles on which the Reformation had been founded, by which, in his conscience, he believed it could alone be maintained, and by which he hoped it would be indefinitely extended.

SIR JOHN PAKINGTON: Sir, If I had no other desire to address the House I must rise to protest against the opinion of the right hon. Baronet the Secretary for Ireland, that this is a polemical question; and that the speech—the able and temperate argument—of my hon. and learned Friend the Member for Wallingford (Mr. Malins) was a polemical speech. I confess I see this subject in an exactly opposite point of view; and I must enter my protest against the right hon. Gentleman endeavouring to involve those who are disposed to support this Bill in the odium of doing so on the grounds of persecution, on polemical grounds, or the want of tolerant principles, which ought to influence the members of all persuasions. I must say I think the entire speech of the right hon. Gentleman is a proof of the unsatisfactory and evasive manner in which the Government has dealt with this Bill since its introduction. When the hon. and learned Member for Enniskillen (Mr. Whiteside) introduced this Bill what was the language of the noble Lord the Home Secretary? He said he did not object to the principle of the Bill; but he added—

> "As there was a Committee of Inquiry into the whole system of conventual establishments, this question ought to be referred to it."

But what is now the language of the right hon. Baronet the Irish Secretary? Why, that as the Committee to which this Bill was to be referred has been abandoned, this Bill ought also to be abandoned. I hope the noble Lord the Home Secretary will vote for the second reading of this Bill, which is the stage, in Parliamentary proceedings, at which the principle of a Bill is to be decided. What else did the noble Home Secretary say on the occasion of the introduction of this Bill? Why that "upon several grounds Roman Catholics themselves were most interested in promoting the Bill;" and in that sentiment I entirely concur. Sir, I never will be deterred from acting on those principles of toleration which the right hon. Gentleman opposite declares this Bill will violate. I hold this Bill to be most fair and most invaluable; and though we may think the policy of Rome in this country aggressive, I never shall be provoked by that policy to a retaliatory system, or take any course hostile to Roman Catholics which in my judgment I do not believe to be right and just. I acted on that very principle no later than yesterday, in giving my vote in this House. But, on the other hand, when I find a question of this kind brought before Parliament—involving, not polemical transactions or discussions, or religious questions, but civil rights of primary importance—I will not be deterred from taking that course which my conscience dictates merely because Roman Catholics declare, and declare unjustly, that we are animated by hostile feelings towards them in adopting such a course. The right hon. Secretary for Ireland has adverted to a paper or declaration put forward by a number of Roman Catholic laymen of the highest station and character, and including, I am happy to say it, many personal friends of my own, expressing in terms of warmth, I must regret, their views with regard to the conduct of Parliament in reference to this question. Sir, that paper was issued not with reference to this Bill at all, but with reference to the larger and more general subject of inquiry moved for by the hon. and learned Member for Hertford (Mr. T. Chambers). I must express my regret that Roman Catholic Members of this House will not allow us to discuss civil questions without getting up charges of a polemical character. I invite those hon. Gentlemen of the Roman Catholic persuasion to meet us on the real ground on which alone the question can be argued, namely, whether there is anything in the present law and practice which relate to these convents which does violate the most important right that can be exercised by a citizen of a free State—the right to dispose of his property as he might please? I beg the House will bear with me a few moments whilst on this point I read a few extracts from a very high authority, far higher than I can pretend to be—I mean Lord Chancellor Brady—who delivered judgment in the case of "M'Carthy *v.* M'Carthy" in the Irish Court of Chancery. The hon. and learned Member for Enniskillen, in introducing this Bill, fortified himself with several cases which had been brought before the courts. Amongst others was the case of M'Carthy, the cause of which occurred within the very walls of a convent at Cork. Now, let it be remembered that the Irish Lord Chancellor is a gentleman of great liberality of mind and high professional attainments, and in this case of disputed property between the inmates of a convent, two sisters, and their relatives outside, the Chancellor delivered the following judgment—

> "It is utterly impossible to withhold the mind from the conclusion that those ladies executed the deeds, not as free agents—not of their own free will or volition, not as acts they wished or intended to do; but, on the contrary, they had signed them like persons who did not know what they had signed. If a Bill had been filed by Maria or Catherine exclusively, and sustained by such evidence as I have just read—evidence which establishes the objection as clear as truth can make it, to set aside these instruments, it would be a matter of course to grant them that relief; and is it to be said in a court of equity, evidence of that sort appearing, a suit can be maintained by persons deriving under these instruments, merely because, by virtue of a power given by this instrument itself, they have got leave to use the name of Maria as a co-plaintiff with them? From first to last—from the inception of those deeds to the moment I now speak—the same vow remains, the same impression remains, the same compulsion remains; and I am utterly unable to regard this suit as one jot more the suit of Maria M'Carthy, as was to be inferred from the record, than I could regard that deed as the deed of Maria M'Carthy upon the evidence I had read. Then it comes to this, that where it clearly appears to a court of equity that one of two co-plaintiffs by coercion and duress—and I am not using words stronger than are applicable to the case—had been induced to execute a deed, and at the very moment of the hearing of the case he was still held in the same state of coercion and duress, is it to be said that the court is to be tied hand and foot, and must give effect to such proceedings as these? I will put the case of a gaoler putting his prisoner in a dungeon, and extracting a deed from him there, and then coming into Court, having his victim still in his power, and saying, 'We want the property; the court must give it to us in the right of this deed.' I protest I would do no such thing. I think a court of equity would become a nuisance if it were to be made the medium of confirming an instrument such as this. I have come to the conclusion that this is a transaction which the court ought not to be called upon to confirm. I will not bring into court, out of the hands of the administrator, the money contended for in a suit so constituted as this. Let them pursue those rights independent of those deeds as best they can obtain them. But having regard to those deeds, I am firmly convinced that I ought not to be called upon to confirm them, and I, therefore, dismiss the bill with costs."

Now, this judgment justifies me in the desire and determination I expressed not to consider this a polemical question, but rather a question of civil rights. The Bill does not assume—as was said by the right hon. Gentleman opposite—that all the property acquired by convents should be acquired by undue influence. But the Bill assumes this, that cases have been brought into courts of law complaining of undue influence; and that charge or allegation is fully substantiated. But whilst some of these cases have been discovered, a great many must necessarily remain undiscovered; and the Bill does not ask you to go beyond the principle recognised by the laws of England. The Bill will only assimilate the law with regard to these establishments to the law as it now stands in many respects in this country; for instance, the law between husband and wife, between spiritual advisers and their flocks, and between clients and their solicitors. Why, then, should Roman Catholics complain? If it be a part of the Roman Catholic system to establish these houses—although I do not agree with them—I make no objection. But we say, for your own sakes, for the sake of the faith you profess, why expose these conventual establishments to suppositions against them, and which must exist as long as courts of law are able to produce cases like this on which I have just read the judgment? Sir, it is upon these grounds I am disposed to support this Bill. The free spirit of this country will not tolerate coercion; and if you do not adopt this measure, the alternative will be that we must revert to that principle sanctioned by Roman Catholics themselves—namely, that persons from the time of their confinement in these establishments shall be held to be civilly defunct. On these grounds, then, I shall support the Bill.

MR. HADFIELD said, it was to him a matter of astonishment how hon. Gentlemen opposite could express such profound regard for those from whom they differed, and at the same time do acts which were most offensive to them. As a Dissenter, he never came to that House to ask them to contribute to the expenses of the places of worship that he attended, nor did the Roman Catholic body in this country ask them for a farthing; and what right had they therefore to interfere with the religious establishments of the Roman Catholics? The country would unquestionably say they were actuated by a sectarian feeling. And with what grace did this proposition come from parties who were not themselves subject to any such restrictions? A series of Acts had been passed to enable parties to escape the Mortmain Act, in order that they might give land to the Church of England. His opinion was, that these restraints which were put upon one class or another were totally unnecessary, inefficient, and answered no other purpose than to keep up that perpetual feud which occupied so much of their time.

Mr. COLLIER said, that there were some objectionable phrases in the preamble of the Bill, and the first clause was so drawn as to apply, not only to dispositions of property in favour of religious or charitable establishments but even to such as were made for the benefit of near relations. He presumed that it was the intention of the hon. and learned Member for Enniskillen (Mr. Whiteside) to interfere only with gifts made in favour of religious establishments; he put to him whether he would have any objection so to alter this clause in Committee that it might have only that effect. If that alteration were made, he (Mr. Collier) could see no serious objection to the adoption of this measure, which he would not support if he believed that it had been introduced with the view of wounding the feelings of any religious body, or for polemical purposes, but which seemed to him to be the natural corollary of the Mortmain Bill, introduced by the hon. and learned Member for Newcastle-on-Tyne (Mr. Headlam) to which the House had already given a second reading.

Mr. J. D. FITZGERALD said, with respect to the observation of the right hon. Baronet (Sir J. Pakington) as to the demand for legislation on this subject made by the free spirit of the country, that there had not been a single petition in favour of this Bill from any part of Ireland, in which there were many more convents than in England, and in which country they had existed from the commencement of its history. The right hon. Baronet might be right in saying that this was not a polemical question—though he (Mr. FitzGerald) thought it bordered strongly upon polemics —but certainly the speech of the hon. and learned Member for Wallingford (Mr. Malins) was a polemical speech, for it gave to him (Mr. FitzGerald) information as to the rules and practices of conventual establishments, as to the vows by which the inmates were bound, and their obligations to their superiors, of which, though a member of the Roman Catholic Church, he had never heard before. The case to which the right hon. Baronet (Sir J. Pakington) had referred as having been decided by Lord Chancellor Brady proved that the common law of the land, as enforced by the courts, was sufficiently strong to meet any case which it was contemplated to reach by this Bill; and he might remind the right hon. Baronet that the law which now rendered null a gift which was made under undue influence, and not of free will, applied to gifts made in convents, as well as to all others. One of the greatest objections to the Bill was, that it was exceptional legislation. It was in every respect discreditable to its author, being false in its preamble, insulting in its language, and oppressive in its enactments. There was a statement in the Bill that nuns bound themselves by vows to obey their religious superiors or spiritual directors. By spiritual directors he supposed Roman Catholic priests were meant. That statement he pronounced to be entirely false. There was no such obligation. Nuns bound themselves to obey the religious superior, but he never heard of a vow to the spiritual director. And how did the preamble go on? It stated that—

> "Females, influenced and controlled by their religious superiors or spiritual directors, have been induced to make disposition of their property, in contravention to their wishes."

The House must give him leave to say that that statement was unfounded. There was one case, and only one case, one which had been referred to, in which it was shown that a nun had signed a deed against her will, but though the books went back for hundreds of years there was no other case. Such was the preamble of the Bill; what were its enactments? Its main provision was, that deeds executed by the inmates of convents, under the obligation of vows of obedience, should not be valid unless the contrary was proved before a court of law. A more unjust and oppressive enactment than that could not possibly be devised. It was in direct opposition to that valuable maxim of the law, which laid upon the party who alleged a fact the onus of proving it, and which did not oblige any person to prove a negative. He could not help thinking that the real object of the Bill was not to protect Catholics, but to make political capital; and rather than see it carried into effect, he should prefer the alternative of civil death. [Mr. WHITESIDE: Hear, hear!] He meant civil death with its concomitants. When it was the doctrine of the law that a lady entering a convent, and taking perpetual vows, was civilly dead, convents were corporate bodies, and they were capable, as such, of inheriting and transmitting property. Now, however, they stood in a very different position; they could receive property only in the same way as private individuals; and perhaps it was because of the manner in which they used that property, spreading abroad the blessings of religion and education, and thereby inducing Protestants to enter the fold of the Catholic Church, that the hon. and learned Member for Enniskillen wished to interfere with them. The right hon. Member for Droitwich (Sir J. Pakington) had supported the Bill on the ground that it would facilitate the free disposition of property. He asserted that the Bill would do nothing of the kind; on the contrary, it would interfere with the free disposition of property by making deeds executed by nuns invalid; but there was no necessity for special legislation with reference to religious houses. The law which interfered with private individuals equally interfered with the inmates of convents, which stood on no higher footing than private homes. If, then, the present law was sufficiently stringent, and if it applied alike to all classes, he hoped that they would not be induced to do that which, under all circumstances, he should consider it his duty to oppose, namely, interfere by exceptional legislation with particular institutions. It had been said that Government opposed this and similar measures, for the purpose of procuring the support of the Roman Catholic Members. Surely the fact was not so, otherwise how did it happen that the great majority of the Roman Catholic Members sat and voted on the opposition side of the House? He might be allowed to congratulate those Gentlemen upon the singular felicity of their position. He might congratulate them upon following the footsteps of the hon. and learned Member for Enniskillen, who had brought in this Bill for their "protection;" he might congratulate them at the same time upon following the footsteps of the right hon. Member for Buckinghamshire (Mr. Disraeli) who declared by his vote last night, on the Middlesex Industrial School Bill, that he would not even allow Catholic worship for Catholic children to be celebrated in industrial schools; and he might congratulate them, finally, upon their allying themselves to the two hon. Members for Warwickshire; one of whom (Mr. Spooner) seemed to be on all occasions haunted with a fear of Popish aggression, while the other (Mr. Newdegate) took every opportunity of expressing his detestation of the Catholic faith.

MR. GEORGE said, it was impossible for him to sit silent and listen to the statements which were made by the opponents of the Bill. It was said that its supporters were actuated by party or polemical feelings; but he asserted his right of independent action in that House, and repelled the imputation. These charges were not made on that (the Opposition) side of the House, but arguments were resorted to, when measures were brought forward for the abolition of Protestant Ministers' Money, or for the spoliation of a Protestant University in Ireland. The church-rate question had been discussed without the acrimony which had been infused into the present discussion on the other side. This measure was supported, not for polemical or political reasons, but for the sake of the security of liberty and property. He regretted that the Chief Secretary for Ireland had lent his countenance to the erroneous assertion made by the opponents of this Bill, that it was intended as an insult to Roman Catholics. He need not say that such was not the intention or object of the Bill; and he could not help thinking that an attempt was being made to prevent the free expression of opinion in that House, by representing every measure brought forward on the Opposition side as a personal insult to the Roman Catholic Members. He did not deny that the Personal Liberty Bill, introduced by the hon. and learned Member for Hertford (Mr. T. Chambers) last year, might have been subject to such an imputation. That Bill enabled private persons to enter into what were really private residences; and he should rather have preferred the proposal for the Amendment of the Habeas Corpus Act, so as to enable any third party (on peril of costs which ought to be inflicted on persons improperly interfering in other people's matters) to enforce the exercise of the jurisdiction conferred by that celebrated Statute. But he altogether denied that the Bill of the hon. and learned Member for Hertford and the present were both of a piece. He objected to one and not to the other. Was there no distinction between interference in a private residence and the protection of property? The Bill before the House had only the latter object. The hon. and learned Member for Ennis (Mr. J. D. FitzGerald) had objected to the preamble. If the statements in the preamble were thought to be insulting to the Roman Catholics, they might be expunged; they formed no part of the enacting clauses of the Bill; but at the same time it should be understood that they were not the unsupported dicta of the hon. and learned Member for Enniskillen (Mr. Whiteside), but were taken from the records of the courts of justice, and were based on language used by the Lord Chancellor of Ireland. The enacting portions of the Bill were the only essential parts of it. If persons took upon themselves vows of obedience to spiritual superiors they were not really free agents; and on the sworn records of courts of justice it was stated that they were warned by their superiors to remember their vows of obedience. The assertions of individuals were of no consequence in comparison with sworn evidence, and to that he appealed. In the much-quoted case M'Carthy *v.* M'Carthy, the ladies stated in evidence that when they executed the deed in dispute they felt as if a pistol was held at their breast, or as if the pen was held in a dead hand; and when they applied to their spiritual directors, so far from being told that they were mistaken in thinking they were under any obligations, they were distinctly exhorted to remember their vows of obedience. It was impossible to say how many cases there were of the same kind which had never been unravelled; but a sufficient number had, he considered, been made public to justify the present Bill, which he hoped would be carried by a large majority, in spite of the false assertion that it was intended as an insult to Roman Catholics. It was too much to say that such a case as the M'Carthys' was fiction. The vow of obedience bound the parties as to all matters spiritual and temporal. [*Cries of* "No, no!"] He repeated that statement as the inference he was entitled to draw from the evidence he referred to. And such vows of obedience, of course, must tend to prevent evidence from being procured. The system which had now been resorted to on the other side to stifle discussion on these subjects should be resisted. And he was astounded that the Government should have sanctioned a precedent in the instance of the former Bill which was most pernicious—the wearying out an impartial and unpurchased majority into relinquishing a measure they had deliberately adopted. The Government ought to beware how they thus connived at innovations which might one day be turned against all order and all rule.

Mr. BOWYER said, it would almost appear from the remarks of the hon. Gentleman who had just sat down as if the Roman Catholic members, instead of numbering only thirty-six, were a majority of that House, and were able to do exactly as they pleased. They had not evinced any such spirit as that referred to by the hon. Member. When the Mortmain Bill was brought forward by the hon. and learned Member for Newcastle, although it deeply affected the interests of the Roman Catholics of England, it was not regarded as an insult, for the simple reason that neither in its language nor in its enactments was it offensive. So much could not be said of the present Bill, which, on the contrary, was calculated to wound the feelings of every Roman Catholic in the country. He was at a loss to understand the object of the Bill if it was not to annoy the Roman Catholics, and perhaps to indulge in some bitter feelings against them. They were told the Bill was intended to be modelled on the laws which regulated the disposition of property by married women, and in favour of persons standing in the relation of legal advisers. He ventured to say, however, that if its terms were applied to attorneys, instead of to convents and other religious houses, they would be considered most harsh and offensive, and would be looked upon as a gross imputation on their professional character. It had been truly said that the effect of the first clause would be to make void any conveyance or will executed by a nun, not only if in favour of a religious house or any ecclesiastic, but in favour even of her own relations. She could not execute a legal discharge to an executor on receiving a legacy bequeathed to her; in point of fact, she would be civilly dead. He could not conceive how the hon. and learned Gentleman (Mr. Whiteside) could propose a measure so utterly subversive of all the principles of justice recognised in this country. As to a deed in favour of a man's attorney there was no Act which made it positively void. It might be voidable. The law regarded such a deed with considerable distrust, and if it were disputed, all the circumstances under which it was executed would be scrutinised with the view to see if the professional influence of the attorney had been unduly exercised. That was, however, a very different thing from providing by Statute that the deed should be void unless proof were given of what in fact was a negative. This Bill would shake the security of titles, for it said the deeds of certain persons, whom it described, should be positively void, unless they were proved to have been executed with the free consent of the parties. How could that be proved in the case of deeds fifty years old? [Mr. MALINS: The Bill does not apply to past transactions.] The hon. and learned Gentleman apparently forgot that what was present now would be past by and by, and the difficulty would be sure to occur, especially in Ireland, where many of the inmates of these institutions belonged to distinguished families possibly possessing property, or having property left to them. He thought he had shown that the Bill was conceived in a hostile spirit to Roman Catholics. It was professed that the object of it was to give them protection. They had never asked for protection, and the protection offered was like the protection which the bear in the fable afforded the hermit, when he crushed a fly on the hermit's nose. The intention of the bear was kind towards the hermit, but he not only crushed the fly, but the nose of his friend. This case was something like it, except that they had not even a fly to justify the interference of the bear. Political capital was being made out of the Protestant feeling of the country, and this was no doubt part of the agitation which was being carried on against the Catholics. As an instance, there was a meeting the other day in the City of London, where some Roman Catholic gentlemen temperately expressed their disapprobation of the Committee of the hon. and learned Member for Hertford (Mr. T. Chambers), but the reports in the public papers attributed to them the most violent and disloyal language. The names of the speakers were deliberately forged. The most violent speaker was represented to be a Mr. Wharton. No one of that name was present, and a respectable gentleman, Mr. Orpwood, had assured him that the language attributed to Mr. Wharton was never uttered. The language was false, and the person fictitious. He referred to this because the language had been read to the House by an hon. Member who took a very strong view against the Catholics. It was read for the purpose of showing that the Catholics of England were disloyal, but he had no hesitation in saying that the statement was utterly and entirely untrue.

MR. F. SCULLY said, he felt it his duty to oppose this measure on public grounds, and he must strongly protest against these renewed attempts to legislate on subjects so distateful to the feelings of a large portion of the House and the country. There were no less than fourteen Bills that day on the paper for consideration—some of them measures of considerable importance—and all of these must be postponed for the sake of the Bill now under discussion. He really hoped the hon. and learned Gentleman (Mr. Whiteside) would have the good sense to follow the example of the hon. and learned Member for Hertford (Mr. T. Chambers), and withdraw the measure, so that they might get quit of the ill feeling and animosity which the perpetual discussion of these questions created. He denied that the nuns were precluded from seeing their friends who visited them, even alone. The hon. Baronet the Member for North Essex (Sir J. Tyrell) had, on a former occasion, referred to the convent of Newhall in that county, and stated that the friends of the inmates were not allowed to have access to them. Now, he (Mr. Scully) happened to have relations of his own in that establishment, and was able to state that there was not the slightest obstacle thrown in the way of friends seeing the ladies who resided there. The hon. Baronet had himself been a visitor at the convent, but, in consequence of the active part which he was found to take against the religion and the feelings of Catholics, subscribing funds to burn effigies on the 5th of November, and taking every occasion to do what was offensive and distasteful to the nuns in respect to their religion, he was supposed to be an enemy to the convent, and when he presented himself was refused admission. This was not at all a case that could be brought forward as showing that there was no access to convents. If nuns had really no free will, and if, as was alleged, they were compelled to dispose of their property against their free will, why were cases not brought forward to prove the fact, and also to show that the law, as it stood, was unable to reach such cases? He admitted that nuns were bound spiritually by their vows, but he wished to know in what respect they were bound in temporal matters? In almost every case when mobs had broken into religious houses and expelled their inmates, the nuns had always gone back as soon as they were able. A parallel had been drawn between the case of the nuns and that of factory children and lunatics, but he felt justified in considering such a comparison offensive and insulting. At all events, however, no legislation respecting either lunatics or factory children had been attempted without the amplest evidence having first been produced. This proceeding was part and parcel of the persecution that had been going on against Catholics for some years. If persisted in, they would drive from Ireland the best and most industrious classes of the country, and they would drive from it those houses which had been so great a blessing to the country, while they would have those roving ministers of the Gospel, the agents of the Scottish Alliance and the Protestant Alliance, going through the length and breadth of the land thrusting down the throats of the people doctrines which were distasteful to them, and which they had no desire to hear. If the object was to put down monasteries, let that object be honestly avowed, but he must protest against this piecemeal conduct, of one day a Bill, another day a Committee, and a third day a Commission, upon this question. He also protested against such subjects being introduced at a time when the war on which we had entered demanded the concentration of all our energies.

MR. WILKINSON said, he could not doubt the sincerity of the promoters of the Bill, who probably did not mean to insult their fellow-subjects or to destroy convents entirely, but he thought that they were acting under the delusion that by such a measure as the present they would give relief to their Roman Catholic fellow-countrymen, whereas they would only be cutting off the main supplies for the support of those institutions. It would have been desirable that they should have brought forward cases which the law had not reached. He thought the hon. and learned Member for Ennis (Mr. J. D. FitzGerald) had established the fact, that the law, as it existed, was quite sufficient. He deprecated this constant introduction of polemical subjects, which was a growing evil. He thought it was the connection of the Church and the State, which led to the introduction of so many of these vexatious questions into that House, and foresaw that the consequence would be the severance of that connection. Hon. Gentlemen opposite would do well to consider what they were about in pursuing this course.

MR. BLAND said, that it was to be observed that no one petition in favour of this Bill had been laid upon the table of the House signed by a Roman Catholic, and that the whole matter was left to the care of those who were strangers to the religious feelings of the very parties whose rights they were professing to advocate. As to the solitary case which had been cited by the supporters of the Bill—the M'Carthy case, which had come before the House of Lords—the Lord Chancellor Brady had, under a complete mistake, directed an issue to be taken between two co-plaintiffs. Now, between two co-plaintiffs one plaintiff could not give evidence against the other, and the House of Lords had set aside the issue on appeal. The result, however, was, that the claimant had got possession of the property under the Irish Lord Chancellor's decree, and had gone out of the jurisdiction of the Court. He had throughout the debate then before the House endeavoured to find out what was the real motive in bringing forward this measure, and he found nothing to satisfy him in any way that such motive was associated either with the interest of the Roman Catholic laity or the Roman Catholic clergy. On the contrary, the real object of the measure seemed to be to put down convents and drive the ladies, who dwelt in them, to seek refuge in some other country. As a Protestant, he was sorry to see the feeling that was engendered by such motives as the one now under discussion, and he deprecated any such interference as that which was too evidently contemplated.

MR. LIDDELL said, he very much regretted that this religious element should be introduced into almost every subject. The other evening they could not consider the establishment of a reformatory institution in the county of Middlesex without its being made the battle field for the contentions of different persuasions. The hon. Member for Lambeth lamented this matter as he did, but he said he was convinced the only remedy was the complete severance of Church and State. [MR. WILKINSON: Consequence, not remedy.] He was very happy to be corrected; but if such should be the fatal consequence of these dissensions, he thought, so far from bringing peace, the separation of the State from the Church would augment and exasperate these religious discussions tenfold. The sole question for discussion was, whether the proposition contained in the Bill was reasonable and just. Was it proved that there were persons under religious vows in conventual establishments, many of whom could not be considered in a condition freely to exercise their lawful rights in the disposal of their property? It should be remembered that, after all, conventual establishments were of questionable legality, and it was proved by the hon. and learned Member for Hertford (Mr. T. Chambers), not only that they existed, but were increasing—so largely increasing that although the House might put off the day of inquiry into their condition and circumstances, yet, from their increase, and from the amount of property involved in their maintenance, they must sooner or later become the subject of legislation. Upon those grounds the hon. and learned Member for Hertford asked for a Committee of Inquiry, and not for the sake of any vexatious, worrying, or trying interference. That was not his motive. If it had been, he (Mr. Liddell) would not have supported him in such a motive. It was never contemplated to drag before a Committee of the House of Commons ladies who had sought those establishments for retirement or the exercise of charity. All that was expected to result from the inquiry was to ascertain the real circumstances of those different establishments, to see how far legislation might or might not be necessary with respect to them. He disclaimed all intention whatever of offending the feelings or of violating the rights and consciences of any of his fellow-countrymen. There was no part of his Parliamentary career upon which he looked back with more satisfaction than upon the vote which he had given, in the year 1829, in favour of the great principle of Roman Catholic Emancipation; but, upon the other hand, as a Protestant, and as a member of the Church of England, he did hold it to be his duty—while he was prepared to extend the most unlimited toleration to, and to live upon terms of the most cordial friendship with, the members of other religious denominations—not to give positive encouragement to any except that to which he himself belonged. Was it true that there were parties living in these religious houses who were in a state of moral and spiritual subjection? He thought that that fact had hardly been controverted. He believed himself that that state of things did actually exist, and where it did exist it was manifest that transactions might take place which could not be brought directly under the cognisance of the ordinary tribunals of the country. Now if, under the moral and spiritual influence to which they were there subjected, parties were induced to leave their property to these religious establishments, to the neglect of their own friends and relatives, he thought that some remedy should be found for an evil of that description, and on that ground alone he should give his vote in favour of the second reading of the Bill. He thought, however, that the first clause went rather too far in the assertion of the principle which it was proposed to establish. It seemed to him to call upon the parties interested in upholding any deed made by a person who had bound himself by religious vows to prove a negative, and to be so far at variance with the usual course of legislation. If, therefore, the Bill went into Committee, he should object to that clause being retained. He did not regard it as essential to the principle of the Bill, and while he would repeat his disclaimer of any unkindly feeling towards his Roman Catholic fellow-countrymen, he felt that the laws of this country ought to be maintained—that the free exercise of a free will ought to be secured, even within the walls of conventual establishments—and that some further protection than now existed was essential, which he did not think that House would refuse to give.

Mr. J. O'CONNELL said, the first clause of the Bill, which the hon. Member opposite (Mr. Liddell) had admitted to be objectionable, was, in fact, the sum and substance of the whole measure. He had documents in his possession, signed by the Roman Catholic hierarchy of Ireland, by every person of consequence among the Roman Catholic laity of that country, and by the Roman Catholics of England also, which clearly showed that they regarded this measure as most offensive, and the hon. Member—to whom he gave all credit for sincerity—was, therefore, under a delusion, if he supposed that Roman Catholics would receive it in any other light. He had heard with admiration the speech of the right hon. Gentleman the Chief

Secretary for Ireland, than whom there was no more stanch supporter of the Established Church, but whose observations upon this subject did him credit as a gentleman and a statesman. He had hoped that the hon. and learned Gentleman the Member for Enniskillen (Mr. Whiteside) would have followed the example of the hon. and learned Gentleman the Member for Hertford (Mr. T. Chambers), and have announced, at the sitting of the House, the withdrawal of a measure which he could have no possible hope of carrying through during the present Session, and which was peculiarly unseasonable in the present circumstances of the country. Was it wise, then, to persevere in a measure calculated to arouse so much religious animosity? But he denied that any case had been made out for this Bill, notwithstanding all the ingenuity and talent employed on the other side of the House. It had been said that changes had been made in the Bill; but the preamble was still insulting, and no pledge had been given that it should be amended in Committee. Nothing could be more unfair than to suppose a person's guilt before guilt was proved, and yet such would be the operation of the Bill. It was said that the Bill did not offer an insult to Roman Catholics; but surely Roman Catholics were the best judges of their own feelings. Feelings the most bitter had been engendered in the breasts of Roman Catholics by this and the other Bill, and language failed to express the intensity of those feelings. In discussing this question, Protestant Members forgot that the Roman Catholic Members were entitled by law to be called "Roman Catholics," their Church the Roman Catholic Church, and their clergy the Roman Catholic clergy; and he would, therefore, venture to observe to hon. Gentlemen opposite, that when they talked of the Romish religion, of the Romish clergy, and of Romish institutions, they were violating the decencies of the place in which they stood. The hon. Member for North Warwickshire (Mr. Newdegate) went out of his way on the former evening to insult the Roman Catholic population, attributing as he did to that population a degree of immorality exceeding that of the dregs of Middlesex. There was no earthly necessity for such taunts, and they were indulged in merely to gratify a bigoted and unworthy feeling against Roman Catholics. After the speech of the right hon. Gentleman the Member for Droitwich (Sir J. Pakington) of the previous night, he had expected he would have taken a different course, but was doomed to be disappointed. Contrast the course of legislation of Protestants on these subjects with the Motions of Roman Catholics. The attacks upon the Roman Catholics were altogether unprovoked; for although, when questions affecting them had been raised, they might have spoken strongly, he undertook to say that, in the course of an experience of nearly twenty years, he had never known a Bill or Motion introduced, or any discussion raised, by any Roman Catholic Member, which could have afforded the slightest pretence for saying it was an attack on the Protestant religion. He was sure he might say, for the Roman Catholic Members generally, that they would gladly make any sacrifice if they could banish altogether the religious element from their discussions, so far as it tended to divide fellow Christians and fellow subjects of Her Majesty. It was said that this Bill was introduced, not upon religious, but upon political and social grounds. The same argument was used by the persecutors of the early Christians to justify their martyrdom. It was always as political and social, and never as religious offenders, that they interfered with them. With respect to the case of the M'Carthys, he denied that any undue influence had been used, and he met any imputation which might be made on the accuracy of their statement—which, if false, would be perjury—by assuring the House that it was a principle instilled into every Roman Catholic mind from earliest infancy, that the law of God was paramount to the will of any superior, even of the Pope himself, and that the latter was never to be obeyed when it contravened the former. In conclusion, he would appeal to the House not to consent to this measure, nor to throw away the warm hearts of the Roman Catholics of Ireland.

VISCOUNT BERNARD said, that if the House was delayed in coming to a division, it should not be his fault, for he would not detain them long; but he could not refrain from repudiating the assertion that this was a Protestant agitation got up for the purpose of exciting bitterness in the breasts of Roman Catholics. He would take the liberty of reading some passages from a letter of Mr. Nathaniel M'Carthy to the hon. and learned Member for Hertford (Mr. T. Chambers), in connection with the case of the Misses M'Carthy, and which letter the hon. and learned Member had not referred to in the nunneries debate—

> "What, Sir (said Mr. M'Carthy), can more clearly demonstrate than this case does the absolute necessity of some legislative enactment (such as the ancient law of 'civil death,' which was both simple in its operation and effectual for its purpose) to protect Catholic families from the rapacity of those establishments, as well as to save the inmates themselves from perpetual annoyance after having retired, as they fancied, from the cares and anxieties of the world, to the peaceful monotony of a conventual life; and in taking the vow of poverty, having, as they thought, divested themselves for ever of the power of acquiring or enjoying property, from the dreadful alternative of being made the unwilling instruments of depriving their families of that property which they well knew it was never intended should be alienated from them, and handing it over to utter strangers, for whom individually they may have possessed no regard, or by breaking their vow of obedience, and being deprived of the holy communion (see Bishop Murphy's evidence), devote themselves to endless remorse in this life, and perhaps eternal perdition beyond the grave?
>
> "From that distressing position the wisdom of our ancestors rescued individuals who had taken religious vows; and I humbly submit that it now becomes the duty of the Legislature, since it has permitted convents to grow up again in this country, either to restore the ancient law of 'civil death,' which prevented the vow of obedience from being made an instrument of torture to plunder families of their property, or to enact some other law which will prove equally stringent and efficacious.
>
> "Before I conclude I will mention a fact which I think highly honourable to the memory of the late Mr. O'Connell. Shortly after the decree pronounced by the Lord Chancellor in the convent suit, I was present when Mr. O'Connell congratulated my brother on the success of his family, and he highly extolled the justice and equity of the Lord Chancellor's decree."

He (Lord Bernard) should give his cordial support to the Bill, telling its opponents that, although they might succeed in thwarting it this year, the feeling of the country would ultimately compel Parliament to pass it into a law.

MR. SERJEANT SHEE said, he should not have risen to address the House but for the encouragement which he had received from the pious tone of the noble Lord who had last spoken. He did not rise to complain of insult. The Roman Catholics were quite able to defend themselves; and as they abstained from insulting those by whom these insults were offered, he thought they should have, in the estimation of all right-thinking men, a great advantage over them. The hon. and learned Member for Wallingford (Mr. Malins) had, however, laid down a proposition which he had heard with considerable surprise, which he was sure no Protestant divine and no person in authority would sanction—a proposition which would not for a moment bear the test of inquiry in any Christian assembly. The hon. and learned Gentleman had laid it down, that no act which was done under the bias of a religious vow could be considered a voluntary act, and he had called upon the House to sanction this monstrous doctrine, for which he had stated no authority but the authority of Lord Chancellor Brady, a very eminent man, and a very good man, and a very good lawyer, but evidently a very bad divine. It was a monstrous proposition that because a person had engaged by a solemn vow to do a particular thing, and afterwards did that thing, the thing was not done voluntarily; yet that was the proposition upon which this Bill, and, indeed, the whole of this debate, turned. No Christian divine would sanction such a proposition as that of the hon. and learned Gentleman; and it was quite clear, according to the doctrines of the Church of England, that a solemn promise made to God was binding. But let them suppose there was no vow, and that the father of some young English lady had, with the consent of his daughter, entered into an engagement with a convent to maintain that daughter or daughters, as the case might be, during the whole of her life, no matter what the state of her health, in consideration of a sum of 2,000*l.* paid down, and with the understanding that she was to make over to the institution any property which might come to her through the father—let them suppose such a case, and would the hon. and learned Gentleman (Mr. Malins) say that if the engagement was drawn in proper form, it would not be upheld in a court of law? Now such was precisely the case of the Misses M'Carthy. They entered into an engagement with the convent, and their father gave his sanction to the engagement. For fifteen years, from 1828 to 1843, these ladies continued members of that convent, not having shown any disposition to depart from the obligations of their vow, which their father had countenanced and assented to, well knowing that whether they were to receive a shilling from him or not, it was entirely within their own option whether they continued within the walls of the convent. But were his views on the subject of vows solely those of a Catholic?

Why what did Paley, a great Protestant authority, say as to the obligations of such a contract? He taught distinctly—

> "That vows were solemn promises made to the Supreme Being, and that to violate them was sinful; that though there was no command in the New Testament to make them, that much less was there a command to break them."

The Legislature, however, were asked to suppose that what was done under a solemn promise was an involuntary act. If a vow was unlawful, it was not binding; but unless hon. Members were prepared to show that the vows alluded to were unlawful, the attempt to pass this Bill was an immoral act, a sanction to falsehood, an incitement to a breach of promises which in the eye of the Catholic was highly unpleasing to God. They practised a text which others had forgotten:—"He who giveth his daughter in marriage doeth well, but he who giveth her not doeth better." He was loth to engage in religious discussions, but on such a subject it was almost impossible to keep clear of references to Scripture, and he would quote a passage from the Old Testament to show the mode of conduct under which Christians acted—

> "When thou shalt vow a vow unto the Lord thy God, thou shalt not slack to pay it; for the Lord thy God will surely require it of thee, and it would be sin in thee. But if thou shalt forbear to vow, it shall be no sin in thee. That which is gone out of thy lips thou shalt keep and perform."

It was intolerable to contend in a Christian assembly that the keeping of a vow was to be deemed involuntary and done under coercion, and against the will and intention of the person making it. The Lord Chancellor of Ireland had talked of the compulsion of a vow, and stated that what was done under the compulsion of a vow was an involuntary act, but he had been corrected by men who were fully his equals, if not his superiors. The noble Lord the Member for Tiverton (Viscount Palmerston), a man as competent to judge on such a point as any, said, on the first night of the debate, to the hon. and learned Member for Enniskillen (Mr. Whiteside), that he could not reach this case. He said, "It might be called undue influence—it might be called the coercion of a vow, but, after all, the submission to the vow and the obedience to it is the voluntary act of the person who executed the deed." And Lord Brougham, when the Irish Lord Chancellor's proposition came before the House of Lords, excepted to it, and said he had very great doubt with respect to compulsion exercised over a party under the influence of a vow voluntarily taken. He (Serjeant Shee) objected not only to the principle, but the policy of the Bill. The hon. and learned Member for Enniskillen was perfectly honest in his way, and thought the sooner the Catholic religion was extirpated from Ireland the better, and that the best way to prevent the children from being taught was to starve the nuns. But the Bill in its very nature would be destructive of the objects which he desired to promote, for it would enact all the evil which resulted from the old law of civil death without enacting any of its good. The law of civil death had some advantages in Catholic countries, but it was open to these objections—that avaricious, and vicious, and unjust parents and near relations could sacrifice their children. But that could not be done under the conventual system as sanctioned by the law of England, for the inmates of convents were as free after their admission as before. He knew nothing of the M'Carthy family, and he most reluctantly alluded to them; but referring to the statement read by the noble Lord (Viscount Bernard) near him, he would recall to the House that part of the prayer of that young man was, that his sisters might be declared civilly dead, that so he might share in their property; the meaning of the prayer to the Lord Chancellor was either to declare the deeds void on account of undue influence, or to give sanction to the doctrine that they were civilly dead, in order that there might be some 16,000*l.* more to be divided amongst the other children. [Mr. J. O'CONNELL: 20,000*l.*] Here was a father who died worth 100,000*l.*, besides large real estates—in the full possession of his senses, with a full knowledge of all the consequences of his dying intestate as regarded his daughters, still leaving no will behind him, and thus opening to those daughters the possession of an additional 20,000*l.* But then came forward a young man out of the reach of the courts of law, and who was spending the money in Paris, and said, "Although I have every confidence that my sisters will continue the same holy and self-denying life that they have been leading for the last fifteen years, I still would have you pronounce them dead in the eye of the law." He (Serjeant Shee) maintained, that if they passed this Bill, they would be giving a direct bonus to every dishonest parent—to every parent who might prefer a pretty daughter to a plain one—to every parent who might be seized with the ambition to push forward an eldest son at the expense of the other children—to do so. And were hon. Gentlemen not aware that in other Protestant countries—in Holland, for example—an attempt similar to that contemplated by this measure had been made only to be abandoned. He had letters there and then with him from Prelates in that country announcing that nuns in Holland and Belgium were as free to dispose of their property as any other subjects of the realm. He would, then, forewarn the hon. and learned Gentleman (Mr. Whiteside) to pause in a plan which could not be carried out without inflicting the greatest injustice upon the most destitute portion of the population of the country, who, unsupplied with the means of religious education by the State, were solely dependent for that object upon the care and attention of these ladies.

Mr. FREWEN said, he should not have risen to address the House had it not been for a statement made by the hon. and learned Member for Dundalk (Mr. Bowyer), in referring to a meeting which was held in London last Tuesday, and which, he believed, had been represented to the House as being of an exceedingly quiet, orderly, and loyal description. Now, he held in his hand a copy of the *Catholic Standard*, published last Saturday, giving a report of the proceedings, and purporting to give a perfectly correct report. From it he gathered that the statement which had appeared in some of the public journals last week did not, it must be allowed, correspond with the statement contained there. Hence this accurate report made a Mr. Orpwood, who, he understood, was the London agent of the *Nation* newspaper—a journal not considered to be of a very loyal character—it made him speak thus—after making a comparison between Prince Albert and Louis Napoleon—"Loyalty was a delicate thing, and it behoved those set over them to beware how they contributed to cause an estrangement between the rulers and the people." But a Mr. Weale also made a considerable long speech, and he used these words, in reference to the Motion of the hon. and learned Member for Hertford (Mr. T. Chambers)—

> "They must petition; and if petitions did not succeed, they must threaten; and if threats did not avail, they must be prepared to act. It was all very well for Protestants to call them disloyal, but he was only astonished that they were as loyal as they were. If Protestants had been treated in a similar manner by a Catholic Government, they would have borne it very differently; for even now Catholic soldiers were ready to sustain the honour of England in the East, while the Legislature at home was persecuting their daughters and relatives. Let the Government beware, then, lest, by giving in to this bigoted faction, they should compel Catholics to look for sympathy and to hope for aid from other sources than that where they had a right to expect and obtain it. They were subjects of the English Crown; this was an accident, but they were also Catholics. He would have them, then, do everything lawful that was in their power, and if they did not succeed by lawful means they might still hope. (*Renewed cheering.*)"

Now he certainly must submit that this was rather strong language; and as the remarks did not appear to him to be of a very loyal character, he thought it his duty to take the opportunity of producing them before the House.

Sir JOHN FITZGERALD said, that as a soldier, and as the representative of a great Catholic constituency, he earnestly called upon the hon. and learned Member for Enniskillen to withdraw his Bill.

Mr. MAGUIRE, who rose amidst loud cries of "Divide!" said, he had no doubt that at that moment (it was twenty minutes to six) hon. Gentlemen near him were exceedingly anxious to close the debate, but he could assure them that he was most unwilling that such an event should take place without his having taken occasion to state his sentiments on the Bill before them.

And it being a quarter before Six of the clock, Mr. Speaker adjourned the debate till *To-morrow*, without putting the Question.

Mr. J. O'CONNELL said, he only wished to be allowed to remark that, as the noble Lord the Member for Bandon (Viscount Bernard) had not done him the honour of giving notice that it was his intention to bring in the name of the late Mr. O'Connell, he could not specifically deny the statement which was said to have been made by him. All, therefore, that he would now say on behalf of one who could no longer answer for himself, was, that if ever he did express such an opinion as that imputed to him by the noble Lord, it would be in contradiction of the whole of his life.

The House adjourned at five minutes before Six o'clock.

HOUSE OF COMMONS,

Thursday, May 25, 1854.

MINUTES.] NEW MEMBER SWORN.—For the County of Hertford, Abel Smith, Esq.

PUBLIC BILLS.—1° Exchequer Bonds (£6,000,000).
2° Income Tax (No. 2); Reformatory Schools (Scotland); Public Libraries; Sheriff and Sheriff Clerk of Chancery (Scotland).

OXFORD UNIVERSITY COMMISSION.

MR. AYSHFORD WISE said, he begged to ask the noble Lord the Member for London (Lord John Russell) whether there was any foundation for the report that the Rev. George Rawlinson and the Rev. Samuel William Wayte had been recommended to Her Majesty's Government as fit and proper persons to officiate as the secretaries of the Oxford University Commission, should the Bill now before the House be passed into a law?

LORD JOHN RUSSELL: Sir, in answering the question of the hon. Gentleman, I must take the liberty of calling the attention of the House to the usual practice of putting questions, and to the advantage of adhering to that practice in conducting the business of the House. The use of putting questions is to spare the House having Motions made for information, and to enable the House to procure very shortly, and without the trouble of discussion, information which can be at once given in answer to a question. To questions, therefore, the proper limit is, whether or no they can be made the subject of a Motion. And a very great advantage is derived from the practice, because hon. Members who wish to make Motions for information may call for information, and Ministers may be equally able to give the information that is required. But I must say this practice is liable to abuse. I would only beg my hon. Friend to consider what would be the result if a Motion to this effect were made—that there shall be laid before the House all the recommendations that have been made to the Government for the various offices that may be vacant in Church and State; and also an account of the books that any of those persons have published, and the contents of those books. That would really be the kind of Motion that my hon. Friend would have to make in this case, if his question had taken the form of a Motion; and I must certainly decline to state whether these gentlemen, among others, have been recommended as the secretaries of the Commission. It is rather too hard, I think, on Mr. Wayte and Mr. Rawlinson that their names should be brought on in this manner. I think that they, as well as others who have taken a great interest in this University question, and have forwarded suggestions to the Government, of which we have received a great number, ought not to be brought before the public in this way.

OATHS BILL.

Order for Second Reading read.

LORD JOHN RUSSELL: I move, Sir, that this Bill be now read a second time.

Motion made and Question proposed, "That the Bill be now read a Second Time."

SIR FREDERIC THESIGER:* Mr. Speaker, Sir, when this measure was originally introduced by the noble Lord, now some considerable time ago, I ventured, in a few observations which occurred to me at the moment, to point out to the House the important principles which it involved, promising that I would afford an opportunity for a full discussion upon this stage of the Bill. This has been long delayed, but certainly without any fault on my part; for it will be in your recollection that I have pressed the noble Lord so often to fix a day for the second reading of his Bill, as to excite the mirth of the House, happily so easily amused amidst its graver occupations. Upon one of these occasions, the noble Lord, with a confidence every way remarkable, appealed to my knowledge of his anxious desire to bring on the discussion, and assumed, rather than expected, my assent to the suggestion. If I had been permitted to express my own opinion, it would not have been in the sense which the noble Lord so coolly took for granted, for, whether rightly or wrongly, my own impression was, that he exhibited symptoms of great reluctance, as if he felt some misgivings as to the propriety of the course which he has pursued. And, certainly, if he is at all influenced by public opinion, he might well hesitate about the step which he has taken; for as far as petitions indicate the state of public feeling, the result is striking and remarkable. This day we have had, as might have been expected, a petition in favour of the Bill, presented with the usual ceremony, from the City of London; but up to Wednesday, the petitions in favour of an alteration of the oaths, but not in favour of the noble Lord's Bill, were only three in number, with 166 signatures; whilst the petitions against the Bill amounted to 481, and contained no less than 60,171 signatures. The more I reflect, the more I am astonished, after the former professions and acts of the noble Lord, at the character of this measure. It furnishes another to many proofs of his boldness in allowing nothing to stand in his way to the accomplishment of any object which he has at heart. I am anxious, at the earliest period, to guard against an argument which may be used in favour of permitting the second reading of this Bill. One of the grounds on which the noble Lord founded the expediency of his measure was, the obsolete nature of part of the oath of abjuration, in consequence of there being no descendants of the Pretender in existence; and it may be urged that, as in this respect no one would desire to retain the oath in its present form, the necessity of an alteration must be conceded, and that we ought to go into Committee. I trust that no one will be so weak as to be caught by such a specious argument. We must remember that we are now discussing the principle of the Bill; that we cannot consent to its second reading without admitting that we are prepared to legislate upon the footing of having one common oath for all the Members of the House, and that this necessarily involves the weakening, if not the abandonment, of the recognition of the supremacy, and the surrender of the securities which were carefully provided at the passing of the Roman Catholic Relief Bill. Let no one flatter himself that if he suffers this stage to pass, he can afterwards fashion the oath at his pleasure. This is the vantage ground on which the battle of principle can alone be securely fought; and if we allow ourselves to be drawn into the field which the enemy may select, we shall have nothing left but to surrender at discretion. I stated that this measure showed the determination evinced by the noble Lord in carrying any favourite object. When, some years back, he was returned for the City of London with Baron Rothschild, by one of those hasty pledges with which he is too apt to embarrass himself, he promised to use his utmost endeavours to remove the impediments to the Jews sitting in Parliament. No one will say that the noble Lord has not been as good as his word. From that time to the present, the question has been brought forward almost every Session in various shapes, and debates of the greatest interest and earnestness have taken place. In 1852, the noble Lord tried a new experiment; he introduced one of his post-finality reform Bills, and proposed one common form of oath, which of course omitted the words "upon the true faith of a Christian." This was in the month of February—a very critical period of the noble Lord's Government, which terminated a few days after, and when conciliation of many sections of the House was the prudent policy. In 1853, the noble Lord returned to his original idea, and again brought in what is familiarly called a Jew Bill. These measures of the noble Lord were carried by decreasing majorities in the House of Commons, and defeated by increasing majorities in the House of Lords. But inflamed, rather than discouraged, by successful opposition, he now proposes to break down some of the defences of our Protestant Constitution, in order that he may be able to march over their ruins with the Jew by his side, and seat him in the Legislature. It is impossible to pass over without remark, the threat held out by the noble Lord when he introduced this measure, that if the law were not changed, it might be worthy of consideration whether the House would not be at liberty to seat the Jew in Parliament by means of a Resolution. The words of the noble Lord are weighty words, and always significant, if not of a settled, at least of a dawning purpose, in his mind. But they must have been uttered on the present occasion in utter forgetfulness, or in hopes of the absence of memory of all that has previously passed on this subject. Why, in 1850, the present Vice Chancellor, Sir William Page Wood, then Member for Oxford, made a Motion on behalf of Baron Rothschild, that the seat for London was full, although in taking the oath of abjuration the Baron had omitted the words "on the true faith of a Christian." Sir John Romilly, the noble Lord's Attorney General, expressed himself clearly of opinion that the words were of the substance of the oath, and that no Resolution of the House could enable them to dispense with an Act of Parliament. The noble Lord, in 1851, adverting to this argument, said, that it was evidently the intention of Parliament that the words "on the true faith of a Christian" should not be omitted. In July, 1851, Mr. Alderman Salomons having taken the oath of abjuration, omitting these words, the noble Lord himself moved, "That David Salomons, Esquire, is not entitled to vote in this House, during any debate, until he shall take the oath of abjuration in the form appointed by law." My hon. and learned Friend the present Attorney General, said, upon that occasion,

> "He confessed that when he looked at the history of the oath, and the object of the Statutes by which it was imposed, he could not bring himself to consider other than that the Legislature did intend that the words should form a substantial and essential part of the oath."—[3 *Hansard*, cxviii. 1334.]

And the noble Lord carried his Motion by a majority of 148. Has anything since happened to change his views? Only what one would have supposed would have confirmed and strengthened them. Since these proceedings in the House, there have been two decisions of the Courts on the subject, one of the Court of Exchequer, in which there was one dissentient Judge, and the unanimous judgment of the Court of Exchequer Chamber, delivered by Lord Campbell, that the words "on the true faith of a Christian" are a substantial part of the oath itself, and not merely a part of the ceremony of administering the oath. So that the noble Lord seems to nourish the intention of contradicting all his prior declarations, of overruling the solemn decisions of the Courts, and of giving the Resolution of this House the force of an Act of Parliament at the first convenient opportunity. I cannot resist the temptation, while on this subject, of exhibiting a specimen of the noble Lord's consistency in the opinions he has expressed at different periods. It may be remembered, that when Mr. Pease, who is a Quaker, was returned to this House, a question arose, whether he could make his affirmation instead of taking the oaths, and upon a Committee being appointed, it was found that the Acts of Parliament permitting the Quaker to make his affirmation were so general and comprehensive in their terms, as to embrace every occasion upon which an oath was required to be taken; and upon the Report of the Committee, Mr. Pease, by a Resolution of the House, was allowed to take his seat. The noble Lord, in 1851, in the course of the debate to which I have already referred, said:—

> "I have been unable to come to the conclusion which I should willingly do, that we can act here as the House did in the case of Mr. Pease, and say that these words, 'on the true faith of a Christian,' may be omitted."

But upon introducing the present measure he said:—

> "It may hereafter be a question for the House whether it should not prefer the course taken in the case of Mr. Pease to that which has been since taken with regard to gentlemen of the Jewish persuasion."

Can it be believed that it was the same mind, and the same voice, that uttered these contradictory sentiments of 1851 and 1854? But the glimpse which the noble Lord has afforded us of his altered views, as to the mode of proceeding with regard to the Jew, is of great importance. It enables us to detect the real principle of the present Bill; it is evidently not for the immediate purpose of bringing the Jew into Parliament, though that may be its ultimate object, because the noble Lord now thinks that this may be accomplished without a Bill. For whose benefit, then, is this measure intended? Solely for the advantage of Roman Catholics, and of those Romanising Protestants who exhibit so much restlessness about the supremacy. The noble Lord seems bent upon retracing his steps, and atoning for his constitutional conduct in 1850 and 1851. Is there nothing in the present position of the noble Lord which may account for this extraordinary change? Can we forget that the noble Lord is now in a Cabinet, the most distinguished Members of which were the strongest opponents of his measures for repressing the Papal aggression? In the strange mixture of principles and parties which has since occurred, we find those who are still, perhaps, possessed with some lingering spirit of Conservatism, seated by the side of those who boldly and boastfully avow Radical principles, and the champion of Protestantism closely united with those who are anxious for the full development of the Roman Catholic Church. In such a state of things, compromise and mutual concession become a matter of necessity. Like the Roman Triumvirate, which Ferguson, the historian of the Republic, calls "the famous coalition," each, for the purpose of strengthening his party and disarming opposition, is ready to sacrifice his dearest friends to the antipathies or apprehensions of the others. The noble Lord's contributions to this proscription are the supremacy and the Protestant securities; and thus, by dint of mutual compliances, we at last arrive at the present coalition oath. Now the general character of the measure is, to provide one oath for all the Members. The pretence is to simplify; the necessary effect of Roman Catholics and Protestants taking the same oath must be, to soften or abandon the recognition of the supremacy of the Crown. It is well known, that in the oaths at present taken by Members, the Protestant denies the ecclesiastical and spiritual jurisdiction of any foreign person, prelate, State, or potentate, within this realm; the Roman Catholic merely his temporal or civil jurisdiction. The noble Lord proposes to limit the denial by all to the temporal or civil jurisdiction. Now I confess that I would infinitely rather have no recognition of the supremacy at all, than such a qualified one as this, which would amount to a virtual admission of the ecclesiastical and spiritual jurisdiction of a foreign power. And I am fortified in this opinion by the high authority of Sir Robert Peel, who, in 1849, upon a similar suggested alteration of the oath, said—

> "If he were to insert the words 'temporal and civil,' he would give rise to the presumption, that he recognised the existence, on the part of the Pope of Rome, of a spiritual and ecclesiastical jurisdiction. Therefore, he would rather that the words, calling upon them to disclaim the temporal and civil jurisdiction of the Pope, were omitted altogether, lest it should by his silence appear as if he recognised the other kind of authority."—[3 *Hansard*, cv. 457.]

He ought to have said, "lest by denying one kind of authority he should be taken to have virtually admitted the other." I cannot help deeply regretting that the noble Lord should be reduced to the necessity of thus abandoning all his former principles and professions. For what was it which was most remarkable in his celebrated letter to the Bishop of Durham? Was it not the manliness of his assertion of the supremacy against the Roman Catholics, and the members of our own Church who denied it? As to the former, he said—

> "There is an assuption of power in all the documents which have come from Rome, a pretension to supremacy over the realm of England, and a claim to sole and undivided sway, which is inconsistent with the Queen's supremacy, with the rights of our bishops and clergy, and with the spiritual independence of the nation, even in Roman Catholic times."

And as to the members of our own Church, who maintained doctrines contrary to the principles of the Reformation, he writes—

> "There is a danger, however, which alarms me much more than any aggression of a foreign sovereign. Clergymen of our own Church, who have subscribed the Thirty-nine Articles, and acknowledged in explicit terms the Queen's supremacy, have been the most forward in leading their flocks, step by step, to the very verge of the precipice."

Sir F. Thesiger

He then asks—

> "What is the danger to be apprehended from a foreign prince of no great power, compared to the danger within the gates from the unworthy sons of the Church of England itself."

And we all remember how the noble Lord, on introducing the Ecclesiastical Titles Bill, and adverting to the arrogant tone of authority which the documents from Rome assumed, and which was excused upon the ground of its being in accordance with customary form, electrified the House with his noble declaration—

> "There is another form with which I have been acquainted; it is, Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen."

It is lamentable to think that the noble Lord is now the author of a measure which can only be for the benefit of the Roman Catholics, and of the unworthy sons of the Church of England, whom he so recently denounced, and which must tend to the weakening of the supremacy which he so vigorously asserted. Remembering what he did, and where he now is, I am forcibly reminded of the leaders of the great companies, the military condottieri of Italy in the fourteenth century—men of great courage and military skill, but not very scrupulous as to the cause for which they drew the sword, and who were ready at the shortest notice to transfer themselves and their followers to the service of the very State against which their valour and arms had been before directed. Are we, who fought under the banners of the noble Lord in a cause which we at least had at heart, ready to follow him when he ranges himself on the side of our former enemies? Consider all that is involved in this step before we consent to take it! It is a mistake to suppose that the supremacy of the Crown was first established in the reign of Henry VIII. On the contrary, according to the opinion of persons best acquainted with constitutional law, it was part of the common law of the land. This might be established by proofs derived even from times anterior to the Reformation; but, perhaps, it may be sufficient for me to refer to the high authority of Lord Lyndhurst on this point. He said—

> "There was no man who ever turned his attention to the subject of the supremacy, who placed it on so narrow a foundation as the Act of Parliament. It was a part of the constitution of this country, because the supremacy of the Crown in ecclesiastical matters was part of the common law

of the realm. It had been declared to be so over and over again, and the sagest professors of the law were of this opinion. It had been set forth in ancient Acts of Parliament, and in the reign of Henry VIII. this ancient doctrine was enforced."

In the reign of Elizabeth, the seal was happily set to the Reformation, and the supremacy was definitively settled by a statutable recognition. The object of asserting the doctrine in a more explicit and authoritative manner, was to bind completely the Reformed Protestant Church established by law into one compact, independent body, of which the Sovereign was to be the undoubted head. Though the Act of Parliament asserted no new principle, it has always been regarded as one of the main links of the Anglican Church with the temporal Constitution, and as the keystone of the arch of the Protestant reformed religion established in this country; we cannot, therefore, view anything which tends to weaken it without the greatest suspicion. The doctrine itself is carefully guarded, by making its maintenance a part of the oath to be taken at the coronation:—upon this solemn occasion, when the catechism of the Constitution is, as it were, rehearsed, and its essential principles consecrated, the archbishop asks the Sovereign, "Will you, to the utmost of your power, maintain the laws of God, the true profession of the Gospel, and the Protestant reformed religion established by law?" And the answer is, "All this I promise to do." And by the Act of Union with Scotland, provision is made for securing this sanction to the inherent doctrine of the Constitution, by requiring that—

"Every King and Queen succeeding to the Government of Great Britain, at his or her coronation shall take and subscribe an oath, to maintain and preserve inviolably the settlement of the Church of England, and the doctrine, worship, and discipline thereof, as by law established."

Can any one doubt that this settlement of the Church of England includes in its essence the ecclesiastical and spiritual supremacy? So that, by the proposed mutilation of the oath, the noble Lord would make the oath of the Sovereign the only one which would recognise the Constitution in its integrity, would insulate her from her subjects, and deprive her of the support arising from their being bound in one common obligation. Has the noble Lord assigned any reasons for this alteration? Let us carefully consider them. The noble Lord objects to the part of the Roman Catholic's oath, in which he declares that he abhors, detests, and abjures the opinion, that princes excommunicated, or deprived by the Pope, or any other authority of the See of Rome, may be deposed or murdered by their subjects, and says that it is insulting to the Roman Catholics to suppose that they hold any such opinion. He stated that these words were introduced into the oath, in consequence of the work of Mariana, the Jesuit, in which he expressed his approbation of the murder of Henry III. of France, by Jaques Clement. [The noble Lord (Lord John Russell) intimated that he had been misapprehended.] It is as well, however, that there should be no mistake upon this point. The assassination of Henry was in 1589. The first oath of supremacy was in 1558, and it did not contain the clause in question. It was inserted in consequence of the Gunpowder plot, in the third year of the reign of James I., and then in an oath of allegiance and obedience, and not of supremacy, and was first placed in the oath of supremacy, strictly so called, in the reign of William and Mary. I feel that the question of the retention of these words must be handled with delicacy. At the time of the passing of the Roman Catholic Relief Bill their insertion in the proposed oath was objected to, and it was said, "That no high-minded Roman Catholic could take this part of the oath without being pained at his being supposed capable of an opinion which he could never entertain;" to which the Lord Chancellor answered, "That the words were in the Act of 1791, and had been taken by Roman Catholics for forty years without objection." To this period twenty-five years more must now be added, during the whole of which time not the least complaint on the subject has ever been heard. It was accepted by the Roman Catholics at the time of the passing of the Relief Bill, and so little did the noble Lord think it insulting to them, that in the year 1852 he actually proposed to continue it in the oath which formed part of his intended measure of reform. I am persuaded that no right-minded Roman Catholic of the present day holds this doctrine; but I would venture to appeal to the candour of such an one to admit to me, that this was once the doctrine of the Roman Catholic Church, and to ask him whether it was not endeavoured to be practically applied in the bull of Pius V. against Queen Elizabeth, and whether it has ever been openly and distinctly renounced or disavowed by the heads of the Church? And if the answers to these questions are such as I anticipate, why should we be called on now to strike out a portion of the oath which has its practical application, which was agreed to at the passing of the Roman Catholic Relief Bill, and which has been acquiesced in for nearly seventy years without the slightest suggestion that it ought to be regarded as an insult. The noble Lord has also contended that the oath of supremacy is unnecessary, and cites the authority of Lord Eldon, that it is contained in the oath of allegiance. This was undoubtedly the opinion expressed by Lord Eldon in 1820 on the question whether the oath of supremacy should be dispensed with in the case of the Earl Marshal, and this opinion was quoted with approbation by Lord Campbell in the House of Lords in 1853; but although this is perfectly true in the sense which I have endeavoured to explain, it is no argument at all for dispensing with the oath of supremacy. I will not stop to inquire whether, with reference to the constitutional maxim, the oath which was provided for Roman Catholics in 1829 was not an infraction of the principles of the Constitution; but it is quite clear that they cannot be supposed, in taking the oath of allegiance, to admit the ecclesiastical and spiritual supremacy of the Crown. To remove any doubt upon this subject, they are only required to deny any foreign temporal or civil jurisdiction; and how their position, with respect to their oath, is regarded by themselves, may be best understood by the terms of the declaration of the Roman Catholic laity of England upon the Ecclesiastical Titles Bill, "in which they declare that, by their religious principles as Catholics, they are bound, and by their rights as Englishmen they are entitled to maintain, the spiritual and ecclesiastical supremacy of the Holy Father the Pope over the Catholic Church." The objection to tampering with the oath of supremacy is not merely a formal one. The proposed oath is not to be confined to Members of Parliament; it is to apply to all cases in which the oaths of allegiance, supremacy, and abjuration are now by law required to be taken. The clergy of our Establishment, amongst others, will have it administered to them. Is there not the greatest danger that some of those unworthy sons of the Church, whom the noble Lord formerly denounced, will be more than ever disposed to subscribe the 37th Article in a non-natural sense, and will be ready to apply the oath which he proposes as their legalised interpreter? I feel how delicate it is to discuss these subjects in an assembly composed of men of different religious opinions. I am aware that those who are to be benefited by the measure will listen with impatience to my observations. I know that there are in the House members of Dissenting bodies, men of great weight and influence. I can, of course, expect from them no sympathy with the Established Church, and, therefore, if the contest were between us and them, I know that I should appeal to them in vain. But I put it to their calm and serious reflection, whether, in any movement in favour of the Roman Catholic Church, it is prudent to weaken the Establishment for their benefit? Whether they must not admit that the Established Church is one of the firmest barriers against the encroachments of Popery? And if they allow it to be broken down, and Roman Catholic ascendancy to be established on its ruins, whether they will not be likely soon to find "the little finger of Rome heavier than the loins of Lambeth." But whatever opinion may be formed about the supremacy, all who feel reason to dread the advance of Roman Catholic influence (no unreasonable apprehension) must look with anxiety at the proposal made by the noble Lord to abolish the distinctive oath now taken by their members. It is now just twenty-five years since the Roman Catholic Relief Bill was passed. Every precaution was taken at the time to prevent any mischief arising from it to the Established Church. In the Speech from the Throne, which ushered in this measure—

> "His Majesty recommended that Parliament should review the laws which impose civil disabilities on His Majesty's Roman Catholic subjects, and consider whether the removal of those disabilities can be effected consistently with the full and perfect security of our establishments in Church and State, and with the maintenance of the Reformed Religion established by law, and of the rights and privileges of the Bishops and of the Clergy of this Realm, and of the Churches committed to their charge."

These latter words are significant, as they are designedly taken from the coronation oath. Amongst other securities, which the care of the statesmen who introduced and carried this great measure provided for the occasion, was the oath which has been since taken without the least scruple by the Roman Catholic Members. It is an oath to which (as Sir Robert Peel said) the Roman Catholics can have no valid or conscientious objection, and which gives us every security which an oath can give, that the difference in religious faith will not affect their allegiance to the King, or their capacity for civil service. It is an oath which has been acquiesced in for forty years. It is one which, with the other precautions taken against the consequences of the emancipation, was entirely approved of by the friends of the Roman Catholic Church. In the pastoral letter of the archbishops and bishops, after the Relief Bill passed, they observe—

> "Since we last addressed you, a great and beneficial and healing measure has been enacted by the Legislature for your relief. And then they ask whether that Legislature which raised you up from your prostrate condition, and gave to you, without reserve, all the privileges you desired, is not entitled to your reverence and love? We trust (they say) that your feelings on this subject are in unison with our own, and that a steady attachment to the constitution and laws of your country, as well as to the person and Government of your gracious Sovereign, will be manifest in your entire conduct. We united our efforts with those of the laity in seeking to attain their just rights, and to attain them without a compromise of the freedom of our Church."

So that, by the admission of those best able to understand the matter, the measures of precaution taken, and amongst them this oath, did not keep back any of the privileges which they desired, nor interfere with the freedom of their Church. This oath the noble Lord has since at different times refused to relax or alter. In 1849, in answer to a proposition for the purpose by the right hon. Gentleman the Member for Northampton (Mr. Vernon Smith), who proposed a short declaration, which the Roman Catholics, as well as other persons, should take, the noble Lord said—

> "He did not think it would be wise to disturb a settlement which had been made after so many conflicts and so much consideration, and which, as he understood, the Roman Catholics had supported as a full and complete admission of their claim to sit in Parliament."—[3 *Hansard*, cv. 439.]

Again, in the same year, the noble Lord said—

> "He had only to repeat the explanation which he had given on a previous occasion, namely, that he did not think it expedient to alter the Roman Catholic oath, which was settled in 1829, when the great question of the Roman Catholic disabilities was disposed of. Many hon. Gentlemen thought that the oath did give security to the Protestant Church, and he therefore did not think there was sufficient cause to induce him to propose an alteration of it. He did not see the expediency of raising a great question when there was no necessity for doing so."—[3 *Hansard*, cii. 1190.]

What necessity is there in 1854, which did not exist in 1849, except the hard necessity to which the noble Lord is reduced by his altered position and his new alliances? But the noble Lord is never without reasons for every change which he exhibits; and, therefore, on the present occasion, we must attend for a moment to those which he has urged in justification of his measure. He treats that part of the oath which binds the Roman Catholic to defend the settlement of property as established by the laws, as utterly insignificant. He says, "I see no need whatever to take an oath to preserve the settlement of property. That rests on the security of the law; and if any one wishes to disturb the settlement of property, the oath will not prevent him." Of course, it will not prevent any one who is careless about the violation of an oath; but the noble Lord appears to have entirely forgotten the reasons for the introduction of these words. They were most fully and clearly explained by Sir Robert Peel, in one of the debates on the proposed alteration of oaths.

> "The words 'the settlement of property' (he said) had a special meaning. They had reference to a declaration made by Charles II. in 1660, shortly after his restoration, in which he made a settlement of the forfeited estates, adjusted various conflicting claims to landed property in Ireland, and gave back to the Protestant Church the properties in the possession of which the Church had been disturbed during the rebellion of 1641 and the troubled times that followed. In 1662, the Parliament of Ireland confirmed the declaration made by Charles II. in 1660, by an Act which was called the Act of Settlement. That Act of Settlement constituted the title to large masses of Irish property. The Roman Catholic, on being relieved from certain civil disabilities, was required to give an assurance that he would acquiesce in the settlement of property as made in 1662, and not attempt to disturb it. When, therefore, the Roman Catholic oath was inserted in the Act of 1829, the words relating to the settlement of property were continued from the Acts of 1793 and 1795, and the Roman Catholic repeated the assurance that he would acquiesce in the settlement of property which had taken place after the restoration of Charles II. Such was the immediate cause of the introduction into the oath of the words 'the settlement of property.' He thought the noble Lord had acted wisely in not disturbing the Roman Catholic oath of 1829."—[3 *Hansard*, cv. 455.]

We can gather from these words what that great man, if he were still amongst us, would have thought of the wisdom of the noble Lord on the present occasion. He might also have received a warning from the known adherence of the Roman Catholics to claims which have been at any time asserted by them, and which no one was more disposed to press against them at a former period than himself. On the introduction of the Ecclesiastical Titles Bill, he quoted, with approbation, from Dupin on the liberties of the Gallican State in respect to the Church, the following passage—

> "Though Rome has for the present relaxed many of her pretensions, she never entirely loses sight of them. She is a power which has forgotten nothing and learned much. She is a power which has neither infancy nor widowhood; hence she can struggle with temporal States at all times with means of which these temporal States often are not possessed; therefore, it requires the utmost vigilance and the utmost attention to watch against the aggressions of the Church of Rome, and to preserve the temporal liberties of any country with which she is connected."

Looking to the course of the noble Lord, I cannot refrain from applying the converse of the antithesis in this passage to him, and observing that he has learned nothing and forgotten much upon this subject. But the noble Lord objects to that portion of the oath which requires the Roman Catholic to disclaim any intention of subverting the present Church Establishment, or of exercising any privilege to disturb or weaken the Protestant religion or Protestant Government in the United Kingdom; and he says—

> "The oath does not prevent the point being a question of doubt, there being some Roman Catholic Members who conceived themselves debarred by the terms of the oath from interfering in such a subject, and others who maintain that they are not so prevented, and that they may, in perfect consistency with their oath, propose any change with respect to the temporal establishment of the Church."

The noble Lord admits, then, that men of scrupulous consciences, in other words, men who are bound by the obligation of an oath, feel that very restraint which was intended to be imposed. And, if others have doubts upon the subject, their very doubts imply that the oath has some influence over their minds. Why, then, should we be called upon to abandon even this slender security? Again and again, let me ask, why are we to disturb a settlement which was the result of a deliberate compact? Why to remove from the Roman Catholic those obligations which were the condition of his admission to the Legislature? Why is all this formidable machinery to be provided to unite persons of different feelings and faith in one common cause against the Protestant religion and establishment? To the Romanising pseudo-Protestant the noble Lord tosses the supremacy—to the Roman Catholic he abandons the Protestant securities; and all this is done that he may ultimately be able to offer to those who fight under the banners of civil and religious liberty, the sacrifice of the Christian character of the Legislature. The noble Lord, in dealing with these deeply cherished principles, has contrived to realise the compendious idea of Caligula; he has given them, by his Bill, one neck, that he may be able to despatch them by a single blow. What excuse does he offer for this alarming measure? Has anything occurred since the noble Lord stood forward, the self-armed champion against Papal aggression, which leads him to the belief that the Roman Catholics have altered minds and intentions towards Protestantism, and that their recent moderation and forbearance claim new concessions? Has the party in the Church which the noble Lord so severely and properly stigmatised, since done homage to the doctrines and principles of the Reformation? Under what influence does he now propose a measure only beneficial to parties who are separated by so thin a wall of partition, and dangerous to the Establishment? However deplorable the desertion of the noble Lord—however formidable to see him in the opposing ranks, we will not fear! Our course is protective, and not aggressive. It is the noble Lord who is the assailant—who has directed his attack against one portion of our bulwarks, which he hopes to find feebly defended, or thinks to gather force enough to overcome resistance. We commit ourselves fearlessly to the trial. I have ventured to place myself at the head of the defending party, feeling that there are behind me men of stout heart and good courage, who, if I fail, are ready to step forward in my place. And I cannot think so ill of my Protestant fellow Members of the House, as to believe that any of them can be wanting to us at such a moment. I trust that there will be found sufficient to defend the barriers of our Protestant Constitution, and to beat back the assault of the noble Lord on the supremacy of the Sovereign, the established religion of our country, and our common Christianity. I move that this Bill be read a second time this day six months.

Amendment proposed, to leave out the word 'now,' and at the end of the Question to add the words 'upon this day Six Months.'

Question proposed, "That the word 'now' stand part of the Question."

THE CHANCELLOR OF THE EXCHEQUER: Sir, I cannot help thinking that my hon. and learned Friend who has just sat down has introduced into this discussion a good deal of matter connected with religious controversies which might advantageously have been spared, and which tends much more I should say, judging from experience, to darken and taint the atmosphere of this House, and to blind and bewilder the judgments of its Members, than to assist them in elucidating any difficulty connected with the law and the Constitution. My hon. and learned Friend has treated this measure in reference to three classes of persons—first, the Jews; secondly, those whom he designates Romanising Protestants; and thirdly, a class whom I think he appears to hold in worse odour even than the other two, namely, the Roman Catholics. Sir, I will endeavour to follow him with reference to each of these three classes; but as he bore very lightly upon the case of the Jews, I also am content to touch but lightly upon that part of the subject. My hon. and learned Friend referred to them, as it appeared to me, mainly for the purpose of assailing the consistency, and not only the consistency, but, I thought, the single-minded view, the integrity, and the motives of my noble Friend and Colleague the Member for the City of London (Lord J. Russell). Sir, it is an easy thing for me to say—it is a proposition which will not be disputed in this House, I think, by any man of candid mind, whatever his opinion may be upon the questions which are commonly termed questions of religious liberty—it is an easy thing for me to say that the reputation of my noble Friend for his conscientious attachment to those principles is a reputation that will be handed down to posterity through many generations, and that wants no vindication from his own lips or the lips of his Colleagues. I say that, Sir, as an impartial witness, because it has been my lot, on various occasions, and in various senses, to differ from my noble Friend upon particular questions connected with the subject of religious liberty; but the testimony which I now render is a testimony so manifestly due and just that I am quite sure the hon. and learned Member himself, unless in the heat of debate, would not for a moment question it. If it be necessary, however, to go to particulars, nothing can be more easy than to confute the assertion of my hon. and learned Friend when he states that the connection between my noble Friend and the question of Jewish emancipation dates from the period of the political connection between the City of London and Baron Rothschild. Unless I am much mistaken, in the year 1840 I myself heard the noble Lord forcibly dilate upon the question of Jewish emancipation in precisely the same manner in which, throughout his political career, he has ever dealt with such questions. In 1845 the noble Lord spoke exactly in the same sense, and in 1847, being then challenged upon this matter, my noble Friend put upon record a declaration in this House which I must say ought to have closed the lips of the hon. and learned Gentleman opposite. In 1847, the same charge having been made, my noble Friend distinctly spoke in these words—

> "As to the statement that, in consequence of that election (the election of Baron Rothschild), I have undertaken to bring forward this measure, the hon. and learned Gentleman is likewise in error. It so happens that, for a long series of years, whenever there has been a question for removing religious disabilities before Parliament, I have always given my vote, and on several occasions have spoken, in favour of the proposition. As soon as I came into office in 1846, a deputation of Jews waited upon me to ask me if I was prepared to bring in a measure relieving them from their remaining disabilities. I said I would not pledge myself as to the terms of the measure I would introduce, nor as to the particular time of introducing it; but I assured them that, if they would be content with my choosing the terms I thought best, and the time I thought most expedient, I would be ready to declare at once that I would introduce such a measure."—[3 *Hansard*, xcv. 1396-7.]

The pledge, therefore, of my noble Friend to become the author of a measure in favour of the Jews was given in 1846. Now, it was not until 1847 that the name of Baron Rothschild was connected with the representation of the City of London. Sir, such is all I have to say in vindication of my noble Friend, and yet it may be thought that in saying so much I have wasted the time of the House, because I have expended some five minutes in replying to a charge which might have been passed over in silence, as requiring no vindication. But, Sir, my hon. and learned Friend opposite was not satisfied with assailing the noble Lord for inconsistency, but, having laid before the House imaginary facts, he must likewise proceed to suggest for them imaginary causes. The imaginary causes to which my hon. and learned Friend referred were the peculiar position of the noble Lord, the compromises which must necessarily follow upon differences of opinion and divergences of principle between the noble Lord and his Colleagues on various questions, and more particularly religious ones, and the necessary embarrassments which must flow from such differences and divergences. Sir, I must confess, recollecting the career of my hon. and learned Friend himself—remembering the various political connections in which he has stood—I did not think that that portion of his speech was as unexceptionable and as elevated in point of taste and feeling as I am bound to say his speeches in this House almost uniformly are; and if I did not think it elevated in point of taste and feeling, still less, I must confess, did I think it felicitous as a piece of Parliamentary tactics, because my hon. and learned Friend, finding fault as he did with the Government, who are perfectly united in regard to the question of Jewish disabilities, for their supposed differences, himself spoke in front and within three feet of a right hon. Gentleman under whom he served as the leader of the Government of Lord Derby in the House of Commons, and who differs from him on the subject of Jewish disabilities; and when, at the close of his speech, my hon. and learned Friend said that, though he might fail in his endeavours to establish his opinions, yet behind him there were many stout and able-bodied persons who would gladly come forward to supply his deficiencies, I could not help thinking of the effect which would be produced if the deficiencies of my hon. and learned Friend were to be supplied by two persons whom I should certainly cite as, in my mind, the most stout and able-bodied in debate of those who sit opposite—namely, one of them the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), and the other the noble Lord the Member for King's Lynn (Lord Stanley). I believe, Sir, I may advert to a still tenderer and more affectionate relationship, for nothing can be closer than the brotherhood of lawyers, and I am informed that the eloquent and profound Gentleman (Sir F. Kelly), who served as Solicitor General under the Attorney Generalship of my hon. and learned Friend in the Government of Lord Derby, is likewise in the same unfortunate predicament of being at daggers-drawn with my hon. and learned Friend upon the question of the Jewish disabilities. So there are three stout and valorous champions of the Christianity of the Legislature to whom my hon. Friend has appealed to make up his deficiencies, in case of need, and if every one of the three rises to speak upon the present occasion, they will not fail to give my hon. and learned Friend such blows in the back, as—to say nothing of the stabs which he may receive in front—will go far to maim and mutilate him as much as he says my noble Friend has maimed and mutilated the supremacy of the Crown.

Sir, my hon. and learned Friend, as I have said, did not dwell upon the question of the Jews, and I must say that is a matter which I think has been already adequately debated in this House. Under the circumstances, therefore, I think it fair to pass on to those points which my hon. and learned Friend made the prominent and salient points in his able statement, especially those which are connected with the other two classes, what he called the Romanising Protestants, and they who are called Roman Catholics. Now, Sir, the doctrine of my hon. and learned Friend was stated in various ways in different parts of his speech; but I think I shall represent the upshot of it fairly if I say, as regards what he terms the Romanising Protestants, that my hon. and learned Friend charges the noble Lord with having made a present to them of the supremacy of the Crown—[Sir F. THESIGER: Not of the whole supremacy.] I understand, then, that my hon. and learned Friend recognises in this Bill what he terms a maimed and mutilated acknowledgment of the supremacy. Now, I did not expect to have to find fault with my hon. and learned Friend for too much liberality; but I must confess I think he concedes a great deal too much to the noble Lord, when he states that this Bill contains a maimed and mutilated acknowledgment of the supremacy, for I think it would baffle the wit of any lawyer less eminent than my hon. and learned Friend to find an acknowledgment of the supremacy in any portion of the proposed oath. I believe my hon. and learned Friend means to allude to the closing words of the oath, but they refer only to the temporal and civil, and not to the ecclesiastical and spiritual, supremacy of the Crown. If those words are the only qualification which the oath contains, I am afraid I may at once confess, on the part of my noble Colleague, that he cannot pretend to make good any portion of his case, or do anything to deprecate the wrath of my hon. and learned Friend, if he relies upon this oath as a recognition of the ecclesiastical and spiritual supremacy of the Crown. The alteration in the oath of supremacy is that which my hon. and learned Friend means to designate when he states that my noble Friend makes a present of it to the Romanising Protestants. I must confess that on the first occasion when my hon. and learned Friend dilated on this subject in this House, I was astonished at the inaccuracy of impression he appeared to have of the wording of the oath of supremacy. Now, if a Gentleman possessed of that legal acumen and undoubted ability of my hon. and learned Friend could fall into the errors which he evidently has done with respect to the nature of this oath, it might reasonably be supposed that many other hon. Members might also be similarly misled. Unless it happens that the terms of that oath are fresh in the recollection of hon. Members, I dare say many in this House are weak enough to believe that the oath of supremacy contains something about supremacy. It may be pardonable in hon. Gentlemen who have not been giving very close attention to this subject to have that impression; but those who have been giving attention to it know, however singular it may be, that the oath of supremacy contains nothing whatever on the subject of the supremacy of the Crown. [Mr. J. G. PHILLIMORE: It states the Queen is head of the Church.] That is the oath of allegiance. If that be the depth of darkness in which we find a distinguished member of the legal profession, what more than Cimmerian obscurity must cover other Members of this House. The hon. and learned Gentleman interrupts me by stating something in the oath of allegiance which is quite a different matter. I beg his pardon. I should say, something which is not in the oath of allegiance, because there is nothing about the Queen being the head of the Church in the oath of allegiance. I will even go further, and say, my hon. and learned Friend will find it very difficult to show that the term head of the Church is applicable to Her Majesty by any law of the country. [Mr. J. G. PHILLIMORE: Supreme governor.] We are getting on by slow degrees, and perhaps after fifty or a hundred steps we may make some approximation to the truth. I had better not discuss it with my hon. and learned Friend, but refer to the thing as it stands. Let it be remembered, then, that the oath of supremacy does not declare the supremacy of the Crown. The oath of supremacy contains two propositions; the first is the abjuration of the deposing doctrine, and the second is the abjuration of the power and jurisdiction of the Pope within these realms. There is a distinct declaration, as far as words can make it, that excludes the jurisdiction of the Pope in these realms. That is a denial of the authority of the Pope. But it is not an assertion of the authority of the Crown. The assertion of the authority of the Crown is to be sought from other sources. The hon. and learned Gentleman really dwells on the title of the oath, and entirely overlooks the substance of the oath. What is the fact? The term oath of supremacy attaches to it from the time it was first enacted in the reign of Queen Elizabeth; and when it was first enacted in the reign of Queen Elizabeth, then, no doubt, it was very well entitled the oath of supremacy, beginning, as it did—

> "I, A. B., do utterly declare the Queen's Highness to be the only Governor of this Realm in all matters as well spiritual and ecclesiastical as temporal——."

There is a phrase which is perfectly intelligible. That is really an oath of supremacy; but that was altered, and my hon. and learned Friend (Sir F. Thesiger) seems to think the alteration implies an abandonment of the Protestantism of the country. On the contrary, it was altered just at the moment when the Constitution of the country had become eminently Protestant, because it was not until the Revolution of 1688, in the first year of the reign of William and Mary, that the declaration in the oath was altered. The clause of supremacy was omitted from the oath. The title of the oath remained, but the substance of the oath is completely altered. It is now most inaccurately described as an oath of supremacy, for it contains only two propositions—the abnegation of the deposing doctrine and the abnegation of the jurisdiction of the Pope. Will my hon. and learned Friend say—perhaps he may—that I am refining upon the matter. [Sir F. THESIGER: Hear, hear!] The hon. and learned Gentleman says I am refining, and I suppose I am to understand that, with my unfortunate "subtle art of reasoning," which some hon. Members are so ready in a spirit of playfulness or a vein of sarcasm to lay to my door, I am drawing a distinction between two things which are identical—between the oath of abnegation of Papal power and the oath of supremacy. So far from that being a refinement, it is a broad, clear, palpable proposition. It is not only a constitutional truth, but almost a constitutional truism, because the supremacy of the Crown, which is acknowledged by the Church of England, is not acknowledged by other Gentlemen, of whom I see a portion in this House, no more than by Roman Catholics. Those Gentlemen are perfectly willing to concur in an oath which denounces and repudiates the authority of the Pope in this realm, but they are no more willing than the Roman Catholics to concur with us in an oath which asserts the supremacy of the Crown. ["Hear, hear!"] Who are those Gentlemen? Some of them I hear assenting to what I say behind me. [*Ironical cheers from the Opposition.*] I really must say that to make the assent of those Gentlemen to what I ventured to state the subject of ill-timed and unmeaning jeers and laughter is utterly inconsistent with the relations which ought to prevail between Members of this House, because I apprehend those who sit here for the purpose of discharging the grave responsibilities which attach to the House of Commons ought to sit here on terms of equality, and it is not for hon. Gentlemen to attempt to circumscribe, by contemptuous signs or expressions, the liberty of opinion. I thought it was notorious, not requiring subtilty or argument of any kind, that gentlemen belonging to bodies of Dissenters do very generally refuse to admit, and on every occasion repudiate, the spiritual supremacy of the Crown. Is that true or not? It is not only true, but notorious and palpable; and if that is notorious and palpable, what becomes of the argument that to deny the jurisdiction of the Pope is to assert the supremacy of the Crown? But I see many Gentlemen in this House entitled to hold higher language, and indignantly protest against any curtailment of the liberty of opinion—those Gentlemen who are members of the Presbyterian Established Church of Scotland. Am I to be told that the members of the Presbyterian Established Church of Scotland are bound to admit the supremacy of the Crown? If you think fit—which you have no right to do—to taunt Protestant Dissenters because, when they take the oath of supremacy, they confine themselves to the terms, and do not adopt the Church of England doctrine of supremacy, at all events you cannot assume that liberty with a class of Members who sit here under rights just as well defined and recognised as your own. Because those who come from Scotland are presumed by law to represent the religious faith of Scotland, and at the time of the Union the law presumed them to be members of that which was the only fully recognised form of religion in Scotland. Those Gentlemen come, not only by mere toleration, but as Presbyterians, with the opinions and principles of Presbyterians. They come and take the oath of supremacy in their character of Presbyterians. I ask the hon. and learned Gentleman does he assent to that proposition? If he does, I wish him now to tell me that the oath which denies the jurisdiction of the Pope in the realm of England is the same thing with the oath which asserts the supremacy of the Crown. I think that by reference to the oath itself, by reference to the known and notorious opinions of Gentlemen who sit in this House, with as good and valid right and as clear consciences as any member of the Church of England, I have proved the hon. and learned Gentleman to be totally in error in his description of the oath of supremacy. That oath does not contain the doctrine of the supremacy of the Crown. The doctrine of the supremacy of the Crown is part of those religious doctrines or opinions which the Church of England holds, and is firmly embedded in the authorised religious documents of the Church of England. It is to those documents you must go when you wish to find out what it is the hon. and learned Gentleman has described, for the hon. and learned Gentleman, with all his acuteness, will wear the eyes out of his head by searching before he will find it in the oath of supremacy. That being the case, I think the charge of the hon. and learned Gentleman against my noble Friend, that he is making a present of the oath of supremacy to those who hold Romanising doctrines, falls to the ground, for this simple reason, that this doctrine of supremacy which he prizes, and justly prizes, as the great safeguard of the Church of England, which he would carefully defend, both in the law of the Church of England and of the State of England, is a doctrine existing elsewhere, but not existing in the oath of supremacy. The hon. and learned Gentleman, in the course of his speech, used expressions calculated to raise some prejudices by observing that this was an alteration of the oath of supremacy, not applicable to this House alone, but applicable to all other occasions on which that oath is enjoined to be taken. With respect to that matter, what I must point out to the hon. and learned Gentleman is this:—I do not know whether his legal construction is sound or not, but whether sound or not is perfectly immaterial so far as the classes to whom this question is really material are concerned. For this reason—who are those classes that you think it a matter of good policy to tie up and bind by a distinct declaration on the doctrine of supremacy? Of course, in the first instance, the clergy of the country—they, and, perhaps, the members of the Universities. Well, Sir, the obligations of the members of the Universities, whether effected by the oath of supremacy or not, will remain in substance exactly as they are; because the House ought to know (and as the words are not many, perhaps I may be allowed to quote out of the Prayer Book) where it is this doctrine of supremacy is contained. It is contained in the 37th Article, and there both the positive part and the negative part are to be found. The positive part declares very forcibly the duty of the clergy towards the Church and Sovereign. Here is the real doctrine of supremacy—

> "The Queen's Majesty hath chief power in this realm of England, and other her dominions, unto whom the chief government of all estates of this realm, whether they be ecclesiastical or civil, in all causes doth appertain, and is not, nor ought not to be, subject to any foreign jurisdiction."

Then follows a long paragraph, which I need not quote, of an explanatory character. It goes on to deal specifically with the case of the Bishop of Rome in words which I think admirable for their simplicity and clearness, and very decidedly superior to those in what is incorrectly called the oath of supremacy, "The Bishop of Rome hath no jurisdiction in this realm of England." I do not think the wit of man could invent words going more directly to their purpose than those words. But then my hon. and learned Friend says, "Articles are interpreted in a non-natural sense." I must confess, with regard to those words, I never heard any person say they were in the slightest degree ambiguous. Can you say so of the oath of supremacy? The hon. and learned Gentleman describes it in vague and general terms, as if it contained something which it does not contain. In his opinion, it is the palladium of the Constitution. I think I heard him say it has received a judicial construction; but I never heard him say what is that oath. I think the hon. and learned Gentleman is not correct in saying it has received a judicial construction. He certainly is not correct if he says the oath of supremacy is not subject to very considerable difficulties of construction and varieties of description. I have read various authorities which discuss the oath of supremacy and the mode of reconciling those terms with the open and palpable exercise of power in various ways by Roman Catholic ecclesiastics—some, especially the act of marriage and the bestowal of holy orders, distinctly recognised by the law of England. I think it possible to give a fair and just construction to the terms of the oath of supremacy, but at the same time the hon. and learned Gentleman is not justified in speaking of this oath of supremacy as if it were formed of terms so happy, so clear, so simple, so direct, that it was calculated to baffle the wiles and deceits of those who were seeking the means of evasion. On the contrary, the words in the article do bind men's opinions. But, I ask, how can you bind them when you adopt a multitude of words subject to a variety of constructions, as in the oath of supremacy; and whatever may be said of that oath, I do not think it a happy choice to be placing reliance upon that as one of the securities of the Constitution? But, be that as it may, I wish the House to dwell on this fact. The main proposition of the hon. and learned Gentleman is, that this Bill is making a present of the substance of the oath of supremacy to that class which he calls Romanising Protestants. On the contrary, the House will now bear in mind that the oath of supremacy contains not one word about supremacy, and asserts nothing about the authority of the Crown with respect to ecclesiastical matters. And not only so. If the oath could be so construed as to make an assertion of the powers of the Queen in matters ecclesiastical, the effect of that would be—and perhaps the hon. and learned Gentleman would rejoice at it—a new law of exclusion against large classes—a narrowing of the pale of the Constitution, and taking away civil rights from those who now enjoy them.

So much for the charge with respect to the oath of supremacy. Another point is the change proposed by my noble Friend, as it affects the Roman Catholics; and here I think I understood my hon. and learned Friend to adopt various forms of objection. He objects to our ceasing to require Roman Catholics to abjure the opinion that princes may be deposed and murdered by the authority of the Pope, and he says that, in the Reform Act of 1832, my noble Friend still contrived to retain that declaration. If my noble Friend had contrived to retain that declaration, the argument, as a mere *argumentum ad hominem*, would not be very valuable; but my hon. and learned Friend is quite incorrect with respect to the main and principal term, which my noble Friend said would be an insult to ask a Roman Catholic to say that he does not hold the opinion that a prince "might be deposed and murdered by the authority of the See of Rome." I do not think that my noble Friend was very far from the mark in giving utterance to that sentiment. It does, I confess, seem to me rather extraordinary to ask any man to say, he thinks no one should be murdered, and the phrase implies that it is thought princes may be murdered by authority of the See of Rome. No doubt the deposing doctrine is held in the Church of Rome by large and powerful parties, and likewise contested by large and powerful parties; but I say the hon. and learned Gentleman, in charging my noble Friend with inconsistency, has moved the point of my noble Friend's observation—that it is absurd, and more than absurd, it is contumelious, asking a man to declare he will not do a thing, when the word implies the action he forswears is an action of the deepest guilt. It is asking him to say, whether or not he is totally devoid of all moral obligations. I cannot say I attach the slightest use to the retention of these words; and I cannot help observing that my hon. and learned Friend himself, while, as I have pointed out, he carefully abstains from giving any construction to this oath, on this occasion very ingeniously admits he thinks there is not much efficacy in these terms. He says, "Let us stand by them to the last, however feeble they may be."

SIR FREDERIC THESIGER was understood to say, what he contended for was the importance of the declaration to abide by the settlement of property.

THE CHANCELLOR OF THE EXCHEQUER: It appears, then, I have given too wide a construction to what fell from my hon. and learned Friend. I must then, for myself, say, I think it is much to be regretted that the House should attach weight and value to declarations of this kind which they do not carry in themselves. We have no security by this declaration of the renunciation of a particular opinion. Our strength lies in the attachment and fidelity of the people of this country, and that attachment is best promoted by what unites class with class and man with man. So far as this House is concerned I am well convinced, from experience, its harmony, its unity, its usefulness, for the great purposes for which it exists, is best promoted by the exclusion and avoidance, as far as may be, of these unhappy topics of religious controversy, and the more we can reduce our law to a state of correspondence with those opinions, the more we can put out from that law that which, without being of weight and efficacy of itself, becomes the cause of strife among us, and the cause of great soreness to the tender consciences of our fellow-Christians or fellow-men, the better we shall discharge the duties committed to us on behalf of the Crown and the people of England. My hon. and learned Friend went on to observe on the surrender of the declaration by Roman Catholics contained in the oath of Roman Catholics:—

> "I do swear that I will defend to the utmost of my power the settlement of property within this Realm as established by the laws."

He seems to think great value belongs to a retention of these words. It would hardly be respectful if I said it is a pitiable sight; but, without using so strong a word, it is a sight which cannot but stir the mind, to see a gentleman of a masculine and powerful intellect and deserved eminence attaching value to such words as these, which I have just quoted from the oath of Roman Catholics. I want to know what is the judicial construction of those words—"I will defend the settlement of property as established by the laws." I cannot understand that the construction depends on the meaning which the whim or freak of any person may attach to words like those. Some meaning must attach to them, and it is perfectly well known they were introduced with the object of meeting an apprehension which existed before 1829 with reference to opinions supposed still to linger among the people of Ireland, in favour of a reversal of the arrangement of property under Charles II. But I must say, if it was sought to give value and effect to the prevention of the reversal of that settlement, the words ought to have been made at the very least intelligible. It was not enough that Sir Robert Peel, however great, should stand up and say, words were introduced with such an object. Sir Robert Peel had no authority to construe an Act of Parliament—to give its meaning. What I say is, words, if they are to bind consciences, should be clear, plain, and intelligible; but these words have no reference now to the object supposed to be attained. They stand now as a recognition of the general obligation to obey the laws with respect to property, but for nothing more. Do you really strengthen your social system; do you increase the respect due to the law; do you help to bind classes together; do you strengthen social obligations by calling on men to contract obligations with regard to a portion of their duty as citizens, selected arbitrarily, culled, picked out from the rest, and leaving all the rest unnoticed? It seems to me such a practice is dangerous. As respects the maintenance of property, it is part of the duty of every citizen, and if any do not mean to perform it, you ought to have laws and courts calling them effectually to account; but to call upon any one to say, "I will recognise the rights of property," may, if the person is disposed to go wrong, lead to the belief that he is not bound to recognise other rights just as sacred as the rights of property. Suppose you were to take a part of the profession of Christianity, and call upon men by a solemn contract to observe that particular duty; might it not have a deleterious effect, by weakening the sense of obligation to observe all the duties of Christianity? Though these particular words might be pertinent at the moment and under the circumstances in which the Duke of Wellington and Sir Robert Peel acted in 1829, if the opportunity arises and if this be a desirable opportunity, ought we not to get rid of words which encumber the body of the oath and tend to weaken rather than strengthen the bonds of social and Christian obligation? I come now to the last objection of my hon. and learned Friend, which was to the removal of the words—

> "And I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present Church Establishment as settled by law within this realm; and I do solemnly swear that I never will exercise any privilege to which I am or may become entitled to disturb or weaken the Protestant religion or Protestant Government in the United Kingdom; and I do solemnly, in the presence of God, profess, testify, and declare that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatsoever. So help me God."

I fully grant that the question of the alteration of the oath of 1829 is a serious matter, and ought not to be entered on lightly. It is part of a great constitutional settlement, and we ought not to interfere, except upon material and solid grounds, with any portion of that settlement. But, Sir, I must confess that I have for many years been of opinion, founded on experience and observation of the working of this oath, that although a question of this kind is open to a great deal of consideration as to time and place, it will be very well, when a declaration of this kind with regard to the property of the Church can be removed from our Statute-book. Again, I say I do not think any good is produced by this declaration. But even if it had the effect of limiting the action of some one or two or three gentlemen who give a very large construction to these words, I should still have to ask myself, is that small and minute, and I must say insignificant and trumpery, amount of defence at all comparable to the mischief done by keeping up a cause of heart-burning in the minds of large classes of our fellow-countrymen? Now, Sir, I want to know this—is a Roman Catholic entitled, or is he not, to sit in this House on terms of equality? If you choose to say, "In 1829 we admitted him, it is true, to the franchises of the Constitution, but we only authorised him to exercise them in a restricted sense. We allowed him to come within our doors, but still said to him, by the voice of the law there are subjects which we alone can handle, and are too sacred for you to touch." If that was your doctrine, I grant you would be justified in maintaining these words. But I must say for myself that I do not believe it was with any such intentions that the Duke of Wellington or Sir Robert Peel were parties to the framing of this oath. My hon. and learned Friend said this oath was received with acclamation by the Roman Catholics and their friends. As far as the Roman Catholics themselves are concerned, I am not surprised at all that they should receive it and not see any objection. Both from motives of prudence, and still more from motives of gratitude to those who were making great exertions and sacrifices to relieve them of their disabilities, they were, no doubt, unwilling to throw difficulties in the way, and were apt to put the most liberal construction upon that which was proposed to them in the shape of an oath. But my hon. and learned Friend is quite in error when he states it was received with acclamation by the friends of the Roman Catholics. On the contrary, I am warranted in the statement, because there are living witnesses to support me, that the oath was acquiesced in with the greatest doubt and difficulty by those friends, and it was only the fear of prolonging the frightful evils connected with the unsettled state of the Catholic question, that induced them to accept that oath as the condition of the triumph of Catholic emancipation. But I cannot consent to stand on any ground narrower than this. I hold the Roman Catholics are entitled to the same liberty in this House as any men of this House. It is upon that broad principle that I wish to found my own adoption of the opinion that the sooner we are rid of the terms contained in this oath the better. In times preceding the Catholic emancipation the House will do well to recollect that the property of the Church was, in Parliamentary spheres, regarded as almost consecrated property. I do not know whether the hon. Member for Montrose (Mr. Hume), or some particularly audacious Radical of those days, entertained contrary notions. Perhaps they did. I doubt much whether they made any Motion on the subject. Perhaps occasionally Motions were made, and those opinions were stated, but they were looked on as the individual opinions of a small section. At that time there were no large recognised parties in this House, no great breadth and depth of opinion, of persons prepared to deal freely with Church property; and I do not wonder, in that state of things, when it was considered incumbent on Protestants, though it was not expressed, to keep their hands off the property of the Church, I do not wonder that, under those circumstances, it was thought warrantable to say, that which is presumed on the part of the Protestants we will require of the Catholics in express terms. That is not inconsistent with the view of Catholic and Protestant being on an equal footing in this House. How does the notice stand now? Do Gentlemen who are Protestants feel themselves precluded from giving votes which affect the property of the Church? This is Thursday. What happened on Tuesday night? On Tuesday night a majority of this House, including some Gentlemen who sit opposite, declared their intention, in the most emphatic manner, to deal with the property of the Church, by a process most sweeping—the process of extinction. That vote was given on Tuesday. I regret it; but, however, the vote was given. I want to know whether that was a lawful vote for Protestant Members to give? [Mr. DRUMMOND: No.] My hon. Friend the Member for West Surrey says no, but I apprehend, in the opinion of the 129 Gentlemen who outvoted the hon. Member, it was a lawful vote. I want to know, if it was within the competence of Protestants so to vote, whether the Roman Catholics were not competent to vote upon that occasion? That is a most serious question. That is a great deal too serious a question to be treated as a mere matter of party dispute. I do not mean to say that it is not perfectly intelligible to say the Roman Catholics ought not to deal with property affecting the Church. That doctrine is held by many in this House. I consider it a most dangerous doctrine, though it is the only doctrine which can justify the support of the terms of the oath. But it is a most dangerous doctrine; I repudiate it—I protest against it. I am convinced the adoption of it by the Legislature would lead to consequences never to be too sufficiently deplored. On that broad ground I think my noble Friend has done well in inviting us to clear away this portion of the Roman Catholic oath. But I also say this—the nature of the oath recommends on the whole the proposition by my noble Friend. I know there are some Gentlemen here who think we should come to the discharge of our duties without any oath. I do not happen to be one of that opinion. I revere the principle of the oath. I think it tends to maintain that serious, reverential temper with which men ought to address themselves to solemn duties; but I say this, if you want to gain the real and substantial objects of the oath, you ought to frame it in a manner that should adapt it to those objects. Our oaths ought to be brief—ought to be simple. They ought to be the same for all—they ought to go directly to the point; they ought to be divested of all needless and useless words, in order that the words we use by solemn sanction in the presence of God may be used with a sense of the presence of God, and in a temper which befits men doing a solemn act. If there are oaths, that is the spirit in which they should be taken. If so taken, oaths ought to be short and simple. They ought, above all, to avoid the use of ambiguous language, which serves to trap consciences, I must use that phrase without censuring the framers of the oath under these circumstances, and the circumstances of the time. I cannot but say that this clause, which relates to the maintenance of property, is neither more nor less than a trap for consciences. I feel that my Roman Catholic fellow-citizens have a claim to my sympathy and relief. I cannot tell how, if I were a Roman Catholic, I should be able to take that oath. I should be placed in a situation of pain and difficulty, between the obligations I felt I owed my constituents and my country, and the *primâ facie* ostensible meaning of the words of the oath. ["Hear, hear!"] Gentlemen may differ from me in that respect; but if I have that feeling, and I think I may say it is shared by many Gentlemen in this House, no one can be surprised that I, for one, should think it desirable to get rid of words so vexatious and ambiguous in their character, and so useless and worthless in supporting the institutions of the country.

I am obliged to the House for its indulgence, and I have only one word more to say. My hon. and learned Friend complained of my noble Friend (Lord J. Russell) for having, if I understood him rightly, gathered a multitude of different obligations into one neck, as he called it, that he might dispose of them all at once. I believe my hon. and learned Friend was so severe as to compare my noble Friend in this process to the Emperor Caligula. [Sir F. Thesiger: To his idea.] I doubt whether he is correct in ascribing to the Emperor Caligula the saying upon which that observation was founded. I believe it was a greater monster—a much more savage monster than even the Emperor Caligula—who made use of that expression. The Emperor Nero, I believe, did say, that it would be a very good thing if the people of Rome had only one neck, in order that he might destroy them all at once; and my noble Friend compares the destruction of these oaths to this destruction of the people of Rome. The vitality of the Constitution, much of it, he thinks, depends on that. I confess that I am very thankful to my noble Friend for having given but one neck to these oaths. I think that the desire that the lives of human beings might be all bundled up together in order that they might be destroyed at one blow was very horrible and very wicked. But when we are speaking of a set of needless, useless, mischievous, entangling, and perplexing obligations, which do nothing but give occasions of offence and heartburning, which make pitfalls for tender consciences, and encourage bolder men, perhaps, to despise their conscientious obligations—I do think, Sir, that in dealing with matters of that kind, my noble Friend, in bundling them all up together, and presenting them at once to the axe of the executioner, has rendered a valuable and conspicuous service to the country.

Mr. NAPIER: Mr. Speaker, I will not profane the feeling with which I would desire to discuss this question, by descending to personalities; but I must take leave to say, that the insinuation of the right hon. the Chancellor of the Exchequer, that my hon, and learned Friend (Sir F. Thesiger) was acting on the present Motion inconsistently with his political antecedents, is rather unexpected and altogether unfounded in fact. In the many years I have known my learned Friend, both in and out of Parliament, I never knew him to make a statement nor record a vote, in any respect unworthy of an honourable and upright man. I agree with the Chancellor of the Exchequer that oaths ought to be explicit and intelligible, but I cannot agree that these oaths which we all have taken are not capable of being easily understood by plain minds, according to the plain and ordinary meaning of the words in which they are expressed. I own I am not casuist enough to stir up doubts as to their obvious meaning. They are in plain English, and intended to be taken according to their obvious and ordinary meaning. Are we to be told that none of us clearly understood what we have thus deliberately and solemnly sworn to observe?

The question now before us is on the principle of the Bill introduced by the noble Lord. This is one of that class of bills which should be dealt with exactly as it stands, for it was introduced in a very special manner, by a preliminary Resolution deliberately framed, and therefore we are not now to treat it as admitting of changes in Committee to meet objections; but we are to take it as now modelled in its complete shape for our sentence upon it. We must therefore consider the merits of the new form of oath which is proposed as a substitute for the oaths of allegiance, supremacy, and abjuration, and the oath for Roman Catholics in the Act of 1829. On former occasions the noble Lord made express provision for the Jew, and refused to alter the Roman Catholic oath, but now this policy is abandoned; and I understood my hon. and learned Friend not to charge the noble Lord with any inconsistency in advocating the cause of the Jew, but that in the mode of dealing with the question at present, he had suffered from his new alliance, and that the real authors of the Bill must be those who are disquieted by the constitutional doctrine of the Queen's supremacy; those who are anxious to separate the spiritual and temporal in public policy, in order to unfetter ecclesiastical authority; and those who wish to be relieved from the restrictions of the Act of 1829.

The oaths which we now take have been largely derived from the sacred sources of the common law, declared by the Act of Elizabeth and embodied in the Bill of Rights and Act of Settlement; and therefore constitute the most solemn record of the fundamental and permanent principles of our Constitution. These are to be put aside; and the noble Lord would then invite the Jew burglariously to enter. The Jew is not even once named, he is merely enabled to sneak in, when the great barriers are first removed by this rash and perilous proposal, which tampers with the very foundations of the Throne and the Constitution. When a proposal is made to alter the Bill of Rights, in any part of that great monument of the wisdom of Somers and the other patriots of the Revolution, the reasons ought to be solid and substantial, and the argument conclusive, for the necessity of such alteration. The oath of supremacy is virtually included in the oath of allegiance. This I fully admit. The noble Lord, with a different object, referred to the opinion of Lord Eldon, to this effect; but what Lord Eldon said was on the occasion of a debate on a protest against the passing of the Bill to relieve the Earl Marshal from taking the oath of supremacy; and what Lord Eldon urged was this, that as he had still to take the oath of allegiance, in which the oath of supremacy was virtually included, he would not be really relieved from the constitutional obligation. On another occasion, in 1821, Lord Eldon said, "The common law recognises an allegiance expressed by oath. By the common law allegiance is undivided; and the supremacy of the Crown is indivisible." Again, he says, "I am mistaken if we had not an *Ecclesia Anglicana* with the King its supreme head, before the Pope of Rome could be said to have endeavoured to obtain any footing in this island." The oath of supremacy is, in fact, but an exposition and expansion of, and not an addition to, the oath of allegiance, and all this is in exact accordance with the fundamental principles of the Constitution, from the earliest times. It was not framed as a test of opinion, but as a solemn protest against the aggression of the Papacy; as a barrier by counter demonstration against foreign power; and so long as the assumption of Papal authority is maintained, so long should the protest in the oath be preserved. The question then comes to this, has the aggressive power of Rome ceased to encroach? It is not a question of theology or religious opinion, but of Papal policy; yet it is not to be forgotten that the Papacy is both a state assuming dominion over independent kingdoms throughout the world, and a church assuming jurisdiction over the consciences of all baptized Christians. It must be opposed in both capacities—as a State, we must encounter by our State policy and the power of Parliament; as a Church, by a free press, right reason, and the fearless appeal to the pure Word of God. The Chancellor of the Exchequer says, that all our defence must consist in our own union, in moral resistance and right feeling nurtured amongst ourselves; but did the right hon. Gentleman mean to urge, that all the barriers set up by the wise and able statesmen in the time of Elizabeth, or the framers of the Bill of Rights, nay, even the more recent measure of the noble Lord, the only value of which was the power of so great a protest against an insolent and bold aggression, are all these to be displaced and thrown aside as lumber, on the principle now pressed upon us by the right hon. Gentleman?

Elizabeth was a wise and vigorous princess; her councillors were grave and profound statesmen. The oath of supremacy was prepared in the first year of her reign, to testify solemnly against Papal usurpation. She claimed no new title, she asserted no other right but what belonged to her by the early Constitution and common law of England. This nation is an independent State; the monarch is the source of jurisdiction both in civil and ecclesiastical matters, and no foreign Power has a right to interfere with the internal concerns of this great kingdom. The Pope had at various times attempted to gain authority in England, by usurping jurisdiction; it was vigorously repelled by Parliament and the people; the independence of England and the supremacy of the Sovereign were faithfully maintained. Before the time of Elizabeth, it was a controversy between the civil power of England and the Papacy, but in the time of Elizabeth the religious element entered into the controversy. The Chancellor of the Exchequer has endeavoured to involve in this discussion the question of the headship of the Church; and to entrap the Scotch Members into the notion that this Bill reduces the title of the Sovereign to its true limits. The supremacy asserted by Elizabeth, and now recognised by ourselves, was not the headship claimed by Henry VIII. The Statute by which Henry VIII. asserted his headship was repealed in the reign of Mary, and, in Ireland, at least, it was not revived by the subsequent Act of Elizabeth. His was a Popish headship; and I would agree with the Members from Scotland in repudiating it as unscriptural. But in my opinion, sufficient justice has not been done to the memory of Queen Elizabeth upon this very matter. She disclaimed the title of Head of the Church; she said emphatically and most truly, "Christ was the Head of the Church," and she was, under Him, the supreme governor of all estates, civil and ecclesiastical, within the realm. She explicitly so expounded the meaning of the oath of supremacy, and in the very Statute which first requires this oath to be taken by Members of this House (the 5 *Eliz.* c. 1) there will be found in the 14th section a declaratory exposition of the oath, in accordance with the plain and unambiguous language of the 37th Article to which the Chancellor of the Exchequer has referred, which, I agree with him, is expressed in the clearest and plainest words, and therefore, there cannot be any pretext for any further mystification of this matter. Out of the very bowels of the Statute which requires the oath to be taken, I obtain a comment establishing its plain sense in plain English. It refutes that vulgar sophistry which is sometimes traded on, by which it is suggested that the Sovereign is, as it were, a Pope over the episcopal Church of England and Ireland. But the Sovereign has no more of the power of order than I have; no more authority to make a bishop or vary a doctrine; the power of the Sovereign is simply that of jurisdiction, limited by the fixed principles and fundamental laws of the Constitution of England. The Scotch Members, therefore, and myself can have no difference on this question of headship or supremacy. We agree in the weightier matters of doctrine, in the great and eternal truths which are the glory and life of the Reformation; our differences in matters of discipline are altogether secondary and subordinate. But I cannot think they can sympathise with those who are unwilling to submit themselves to the Queen as supreme, who would allow Papal usurpation for others in exchange for ecclesiastical authority for themselves. What is the exposition of the oath of supremacy given by Sir Matthew Hale? He may assuredly be trusted by the Scotch Members, and the noble Lord has already appealed to his great authority. He was a good man and a genuine Christian, who feared God and honoured the King. He says that "the supremacy of the Crown in matters ecclesiastical is a most unquestionable right of the Crown of England; that there had been encroachments made by the Papacy under that loose pretence *in ordine ad spiritualia*, and these had gained great strength, notwithstanding the security which the Crown had by the oath of fealty and allegiance, and required to be unriveted by the power of Parliament;" and to this I may add the clear exposition of the Lord Chief Justice, Lord Ellenborough, in 1805. "The declaration contained in the oath of supremacy is but the affirmance of a proposition which is logically and politically true as an essential principle of independent sovereignty." Thus we have our Sovereign, the supreme head on earth, in reference to all jurisdiction; and this is made the basis of a solemn protest against foreign usurpation. It is not to control the free opinion of any portion of the laity, but to resist the interference of the Papacy. It is quite a fallacy to argue this as an interference with private opinion; it is against a foreign system, antagonistic to our free Constitution, and subversive of the liberty which that Constitution secures for all the Queen's subjects—against this we solemnly protest.

There is no difficulty with Dissenters, who do not divide their allegiance by acknowledging foreign authority, nor would there be much trouble with the laity of the Church of Rome if this foreign Power were not aggressive, and ever attempting to wrest away the proper authority of the Constitution over all who are entitled to share in its protection and privileges. The great difficulty has been occasioned by this claim and assertion of Papal authority, and the question is, whether it is not a duty we owe to our Sovereign, to the country, and ourselves, to maintain the defences set up by our wise and faithful ancestors, at a time when the love of England, attachment to freedom and truth, were deep and solid; and these safeguards were erected to preserve in its integrity the independence and permanence of the Constitution.

At that time there was a reformation in England, and another in the Papal system. With us the State was first restored to its complete independence, and then the Church, purified and reformed by the only true standard of faith and morals, the Word of God. The first fruit of the Reformation beautifully connected civil with religious liberty; for in the reign of Edward VI, a Statute was passed, 1 *Edw.* VI. c. 12, and by the third section all Acts and Statutes touching or concerning religion or opinions, including the famous Statute of Henry VIII., "The Six Articles," and all Acts concerning doctrine or matters of religion, and all penalties, forfeitures, and so forth, were repealed. The State was restored to its independent sovereignty, religion in the Church to its scriptural standard, and the Church itself relieved from anti-scriptural errors, whilst freedom of opinion was publicly secured for every subject of this free State. Parallel with this was the Papal Reformation; it was almost contemporaneous. The Council of Trent overlaid the faith with ecclesiastical figments embodied in the creed of Pope Pius IV., and by the power of an oath of blind obedience to the Pope as the Vicar of Christ, and of unqualified acceptance of the canons and decrees accredited by this Council, a confederacy was organised to enslave opinion, to coerce conscience, to constrain conduct, and thus, by the exercise of an assumed spiritual jurisdiction, to acquire a plenary dominion in temporal things. Thus the collision between England and Rome assumed a new aspect. The right of private judgment, freedom of conscience, and a free appeal to the Word of God, are essential to the true enjoyment of the blessings of the Reformation and the civil liberty of England; subjection to the Papacy, submission to its hierarchy, surrender of individual liberty, are necessary to the full development of the policy of Rome. In 1564 the creed and oath of Pope Pius was published; about the same time the oath of supremacy was required to be taken by Members of this House. The Papal policy requires our grave attention; we cannot grapple as we ought with this formidable organisation, unless we understand thoroughly its mode of action. It is a power which, in my judgment, we must be prepared to encounter with resolute determination, and it is most unwise to underrate its strength. Its power is exercised by its hierarchy, its canons, its bulls, and reserved cases; it can afford to disclaim civil or temporal power; its real power is a spiritual power in temporal things. This is a power not to be conciliated; to be subdued, it must be changed. The wise statesmen of Elizabeth pointed the oath altogether against this spiritual power, and the ecclesiastical organisation which had been compacted, thus going to the very root of the matter; but the noble Lord would blot out the vigorous and exact language which gave life and power to this oath, and he would substitute the weak and impotent denial of "civil or temporal" power. What says their great authority, Bellarmine, on this very matter?—

> "The power of the Pontiff properly, directly, and in itself, is spiritual; but by it he can dispose of the temporal things of all Christians, when such a measure is necessary to the end of his spiritual power, to which the ends of all temporal power are subordinate. He has no power merely temporal, and yet in order to a spiritual good he has the supreme power of disposing of temporal things."

Thus it appears that the denial of the civil and temporal power does not touch the jurisdiction assumed and exercised in temporal things by this usurping power in carrying out its aggressive policy; and the change proposed will not merely admit, but would invite increased aggression, by our abandoning the true protest against it, and substituting a disclaimer consistent with the unrestrained exercise of spiritual power in temporals. There is another authority of another member of the Church of Rome to which the noble Lord may pay some deference—I mean the late Thomas Moore. He published a letter on the veto, and although it is not in the noble Lord's edition of Moore's letters, it is not unworthy of a place in any new edition. He says—

> "With respect to the distinction between spiritual and temporal power, by which you endea-

> vour to reconcile your submission to the Pope with the free discharge of your duties as subjects and citizens, it is a security which the history of all the religions in the world too fully justifies a Legislature in refusing to trust too implicitly. And, therefore, refine away as you will the spiritual authority of the Pope, there will still remain combined with it in its purest state many gross particles of temporal power, which it is the duty of a wise Government to counteract by every effort consistent with the consciences of its subjects."

The fact is, that as a temporal Prince the Pope has no temporal power out of his territory; his claim is spiritual and ecclesiastical, and against this must be the protest. In the debates on the Quebec Act, between 1771 and 1774, both Lord Chatham and Lord Camden maintained that the oath of supremacy was as fundamental as the Great Charter or the Bill of Rights. Lord Chatham also said, that "the series of laws from the supremacy, first re-vindicated under Henry VIII., down to this day, constituted a clear compact that all establishments by law are to be Protestant." In the Diplomatic Relations Bill of 1848, the late Duke of Wellington, with the instinctive caution and practical wisdom which peculiarly distinguished that great and illustrious man, introduced this proviso,—

> "Provided always, that nothing herein contained shall weaken or affect, &c., any laws or Statutes now in force for preserving or upholding the supremacy of our Lady the Queen in all matters civil and ecclesiastical within this Realm, all which laws and Statutes ought for ever to be maintained for the dignity of the Crown and the good of the subject."

These are the fundamental laws which we are bound by the oaths heretofore taken, but now proposed to be abolished — solemnly bound—to maintain and perpetuate. Is it not humiliating to have here to appeal to the noble Lord, and beseech him to leave unmolested the labours of Lord Somers, and the provisions of the Bill of Rights? I stood by the noble Lord in his manly defence of the Constitution in 1850; I would stand by him again, unto the death, in repelling the usurpation of Rome on the independence of this kingdom. I implore the noble Lord, by the constitutional yearnings of his nature, to pause in this rash and reckless project of destroying the securities which have been confided to our care and keeping—they are guarantees for the civil and religious liberties of this empire. These oaths remind us of great truths, and admonish us as to our duty in preserving them. It is remarked by the late Sydney Smith, that "men do not so much require to be taught new truths, as to be reminded of those which it is their wisdom to remember, but their weakness to forget." Each Member solemnly sworn is made a party to the great compact in all its integrity; the oath connects the living with the dead, and both with generations yet unborn, to whom we are bound by the most sacred obligation to hand down unimpaired what we ourselves have received. In the preamble of the Act 13 *Will.* III. c. 6, after reciting the Act of Settlement, and referring to the Acts defining the Protestant succession, it is said—

> "In which Acts the safety of the King's Royal person and Government, the continuance of the monarchy of England, the preservation of the Protestant religion, the maintenance of the Church of England as by law established, the security of the ancient and undoubted rights and liberties, and the future peace and tranquillity of this kingdom, did (under God) entirely depend, to the intent, therefore, that the said Acts may for ever be inviolably preserved;"—

it provides the oath of abjuration.

But the noble Lord asserted that these securities, however good when they were first set up, were now obsolete. The noble Lord would not maintain that the protest should be altogether abandoned by doing away with all oaths of this kind, but contended that they should be modified to meet the real and remaining pretences of the Papacy. Does the noble Lord assert or suppose that anything can be obsolete with the Papacy? Does he, with his great knowledge of history, and especially in connection with civil and religious liberty, mean to assert that he really believes any claim or pretension is ever obsolete with Rome? Why, at the present day, independent of what the noble Lord ought to remember of the aggression on England which he so vigorously denounced, we have in Ireland a republication of their bulls, canons, and a fresh collection of their Statutes. I hold in my hand the Statutes of Thurles, formally confirmed at Rome, and officially remitted to Ireland for the use of the Papal hierarchy; there is full provision made for the complete working of the system. There is in this book the oath of Pope Pius's creed, in which blind submission to the Pope, to canons, and decretals, especially of Trent, is exacted, the Word of God carefully postponed to absolute Church dictation, and the Pope exalted to the headship of a great confederacy, by which civil and religious liberty may be systematically crushed. The bishops swear this unqualified obedience; they pledge themselves to inculcate and enforce these edicts on their subjects in their dioceses (for so they are described), and so we have the very agency as it was completed in 1564, reproduced in 1852, and in full action here in 1854. This book is printed in Latin; it is diligently excluded from public observation, and only by very special exertion has this copy been obtained. There is another book which I would recommend to the notice of the Chancellor of the Exchequer, for its authenticity has been vouched by his own University, but still more formally by the Vice Chancellor of Cambridge University. It is a report on the books and documents on the Papacy, deposited in the libraries of the Universities of Oxford, Cambridge, and Dublin. It was published by Partridge and Oakey in 1852, and ought to be in the hands of every one desirous to know the system with which we have now to grapple. This will show the machinery for working out spiritual power in temporal things by the canon law of Rome. Nothing here is obsolete, and yet the oaths which protest against what is here to be found in full life and vigour are to be cast aside as antiquated and useless, at the suggestion of the noble Lord. How could a system which pretends to infallibility admit either change or progress; if it claims to be infallible, then it must insist on being unchangeable; and if it affects to be unchangeable, it must of necessity be intolerant. But see how it works the system. We have the evidence of Dr. Stevin, the professor of canon law at Maynooth, and also the evidence of Dr. Higgins, that a bull or canon published and not reclaimed against is treated as accepted in the country and becomes obligatory, and it is assumed that where the system ought to be known, that only is objectionable which is publicly repudiated. Hence the wisdom of these solemn public protests, devised by those who thoroughly understood the system of the Papacy. A part of this system consists of the reserved cases, by which the Pope secures an absolute and special control over the consciences and conduct of the members of his communion. These are regulated by the *Bulla Cœnœ Domini*, of which the late Dr. Doyle has said, "If it were in force, there would be scarcely anything at rest amongst the Catholic States of Europe." But, moreover, in the appendix to the Report of Sir John Cox Hippesley's Committee of 1816, p. 341, there is the copy of a note from Cardinal Erskine, in 1793, to Sir John himself. In this he says of this very bull—

> "That although the formality of its publication is now omitted, it is nevertheless implicitly in vigour in all its extensiôn, and is likewise observed in all cases where there is no impediment to the exertion of the Pope's authority, therefore it must legally be looked upon as a public declaration to preserve his rights."

I have here the priests' Directory for the Conferences of the year 1852, and one of the leading questions to be discussed is this very question of the reserved cases. The Statutes of Thurles command conferences for practical purposes; the case of disobedience to the Court of Rome is, by the publication now discovered to have been issued in 1832, reserved to the Pope; the *Bulla Cœnœ Domini* is the great standard of reserved cases, and so, as in the Homeric description of Jupiter swinging from a chain the inferior deities at his will and pleasure, the Pope holds the bishops, the priests, and the people, by one great principle of ecclesiastical absolutism, by which the Papacy wields a spiritual supremacy in temporal things. What is obsolete, when all is here at hand for practical purposes? Why, I was at first struck with the observations of the noble Lord as to the oath of abjuration, that a part of it might be properly omitted or modified. I agree that nothing should be insisted on which we can safely admit to be now superfluous, as having survived the claim against which it protests. But I have been startled to find an edition of the *Bullarium* published in 1841 at Rome, in which a selection of bulls has been made and published by Dr. Cullen, then director of the press for the Propaganda, but now an Archbishop of the Church of Rome in Ireland; in this the bulls are selected—

> "For the purpose of having in readiness for the use of the Propaganda those documents which can conduce to a right and expeditious consideration of affairs, the necessity or opportunity of consulting which might easily occur in the course of matters frequently to be investigated by the Sacred Council."

Out of sixty-six documents in the folio *Bullarium*, Dr. Cullen selects eight; of these eight there is one in the last year of George II., another after the accession of George III.; in both the title of the House of Hanover to the throne is ignored, and the rightful title of the House of Stuart asserted. I saw the volumes myself, and

I have extracts from them, and I own I am not ready to throw away our dusty shield, whilst these rusty swords are unsheathed in the reign of our present Queen, by those who best know what is obsolete and what is effective in the Papal system. The preface of this work, which was prepared by Dr. Cullen, refers to the Apostolical letters which have been promulgated from 1745 to the time at which he wrote, and amongst these are several bulls treating the House of Stuart as lawfully entitled to the throne of Great Britain. These are not dealt with as obsolete records, but selected for special and present use. Let the noble Lord pause and understand what he is really doing before he cuts down the oath of abjuration. Let him be sure that he is safe, and let there be a preamble distinctly reciting the facts and reasons sufficient to justify any deliberate change. Let him read the Papal line of Succession to the Throne, as it is given in the *Hibernia Dominicana*, p. 148, and let him ask this further question, did Rome treat an oath as valueless, when, in the synod holden in 1852, where Dr. Cullen presided as the Papal Legate, each bishop swore, according to the oath fashioned in 1564, to yield true obedience to the Pope as Vicar of Christ, and submission to all the canons and decretals, especially of the Council of Trent. There is, moreover, the special and solemn vow and swearing of each as to "his subjects," and the formal conclusion, "So help me God, and these Holy Gospels."

Against this the noble Lord would simply set up a disclaimer of the Pope's civil or temporal power, and leave the consciences and conduct of weak or ignorant men to the terrible spiritual thraldom of this great ecclesiastical organisation.

I now come to the question of the alteration of the oath, for members of the Church of Rome, which was embodied in the Act of 1829. The Chancellor of the Exchequer says, that the security provided by this oath ought never to have been exacted. This is at least an intelligible ground for its removal. The late Mr. O'Connell, in 1834, made an attempt to alter this oath, but was obliged to abandon it at once. Sir Robert Peel then stated that it was a part of the compact of emancipation, "which ought to be morally conclusive." He added, "that if, in 1829, such an attempt had been anticipated, the difficulty of passing the Act of 1829 would have been greatly, perhaps insuperably, increased." But the Chancellor of the Exchequer suggests doubts as to the meaning of this oath, which the party swears that he takes according to its plain and ordinary sense, without equivocation or mental reservation. Thus on every occasion a kind of seraphic smoke is raised, after the fashion of a magician, by which our common sense and plain interpretation of plain English are to be bewildered and mystified. A Roman Catholic gentleman, Mr. Æneas M'Donnell, has published a most useful little book on this oath. He quotes the documents which show it was framed and proposed by Roman Catholics themselves, and is stated to be a "part of their religion." When the argument for their exclusion from civil privileges was based on the danger to the established Constitution, vitally connected as it is with the maintenance of the Reformed faith, the Protestant institutions, and Protestant Government of this empire — this oath was offered both as a solemn and conclusive record of the conditions on which emancipation was given and accepted, and a pledge of the fulfilment of these conditions on the part of all who should avail themselves of the privilege conferred. Each man who takes this oath becomes a party to these conditions, under the most solemn obligation. He is not at liberty to put a private interpretation on the oath; he is bound to take it, according to its authorised and obvious meaning. In 1849, the noble Lord brought in a Bill to alter the Parliamentary oaths, but only for persons not professing the Roman Catholic religion. The noble Lord first omitted the words "ecclesiastical or spiritual," and substituted "civil or temporal," but on the remonstrance of Sir Robert Peel as to the danger of such a change, this part of the oath was altogether omitted, and the noble Lord himself proposed, in Committee, the omission of the whole of this part of the oath. But he had in this Bill of 1849 an express section, providing that the oath of the Act of 1829 should remain undisturbed and in full vigour. The noble Lord, on several occasions on the discussion of this Bill, strenuously argued that this oath should not be disturbed. He said it had been settled with difficulty, and after great consideration; that it had substantially accomplished the object proposed, and that it would be unwise and inexpedient to disturb it. Sir Robert Peel said, that in this course the noble Lord was acting wisely in not disturbing this oath. The late Member for Dundalk, Mr. M'Cullagh, moved the omission of the clause which provided against the alteration of this oath, and the noble Lord, with the right hon. Baronet the First Lord of the Admiralty, the two sponsors for the Bill now before the House, both voted against the omission, in company with other Members and supporters of the present Government. In the list which I have before me, I see in the majority the name of one who had as generous a spirit, as truly liberal and frank as any man I ever knew—the late Mr. Justice Talfourd; he, too, recorded his opinion against this tampering with the oath of 1829.

Now, is the noble Lord prepared to reopen the question of 1829? If he touches a letter of this oath, I tell him the whole question of our securities must be reconsidered. The Roman Catholics did not profess to demand an unrestricted licence for the full dominion and development of the Papacy—but a participation in the privileges of the established Constitution. I fancy they know full well that they enjoy a far larger share of liberty under that Constitution, than they could expect in any other country in the world, even under the direct control of the Pope in all the assumed plenitude of his power. These securities are to protect the Constitution against the foreign element which would weaken its power of protection. Lord Plunket once said of King William, in reference to Ireland, that he had conquered it into a state of freedom; and a high authority, sent by the late Dr. Murray specially to Rome, declared that there was no country in Europe where so much freedom was enjoyed by the members of the Church of Rome. The oaths which preserve that freedom protect the members of this very Church against its own spiritual despotism—it throws over them the protection of the Constitution, which repudiated all foreign interference—this oath of 1829, which the noble Lord so strenuously upheld in 1849, is now to be rejected as an unwise and superfluous restriction on the free action of the Papacy. I know there are those in this country—some in this House—who think that all Churches should be let loose and free, so as to have uncontrolled liberty of action and full swing in their several spheres. My humble belief is that ecclesiastical power, not controlled by the State, must become too powerful for the State, and civil liberty cannot coexist with the ecclesiastical despotism of any Church whatever. Let the noble Lord beware of this tampering with the Act of 1829. In 1832 a complete code of the canon law was secretly published in Ireland. In 1845 the law as to intercourse with Rome began to be touched as if it might be abandoned, and immediately at Rome the plan of the Papal aggression was prepared. This has since been disclosed. Rome had its eye upon every movement in this land; indeed upon every part of the world. The law, as it afterwards appeared, was unsettled and weakened in 1846; the bull was then prepared at Rome; in 1848, the Diplomatic Relations Bill is passed; in 1849, the noble Lord begins to tamper with the oath of supremacy; in 1850, the aggression takes place, which roused the indignation—or, I might rather say, provoked the instinct—the Protestant instinct—of self-preservation, which is one of the great defences of our independence, which God has bestowed upon this free and noble nation.

The law was found so disturbed, that the law officers were afraid to proceed upon it, and Parliament had to declare the law after the wrong had been inflicted. I know what a power we have to encounter in grappling with the Papacy; but this House represents a far more mighty power, with greater and more enduring resources, the intelligence, the moral energy, the reformed religion, the independent sovereignty of a powerful and free people. It is no child's play to encounter this aggressive and formidable foe; but do not confound a protest and a warfare against the ambition and aggression of the Papacy with any unfair restriction on the consciences or the privileges of the Roman Catholic subjects of the Queen. In protesting against this great system of spiritual intolerance, we are protecting every class entitled to share in the benefits of our common Constitution. It is an idle fallacy to suggest that we are insulting any man by asking him to join in a common protest against this foreign aggression. Indeed, I may observe, that in 1821, when the late Lord Plunket brought forward the subject of Roman Catholic emancipation, he did not even propose to omit the words "ecclesiastical or spiritual," but only required that they should be explained according to the 37th Article of the Church. I have here both the Resolutions he carried in Committee, and the Bill which he afterwards introduced, founded on the Resolutions. The security of the Protestant Church was most stringently provided for; and the Oath of Supremacy so far modified as to embody the exposition of the 37th Article. It is remarkable that this is the very exposition originally provided in the Statute of Elizabeth which requires us to take this oath; and Roman Catholics took it, in the reign of Elizabeth, after this explanation. This shows the view taken by loyal Roman Catholics, both in the days of Elizabeth and in 1821. Lord Plunket was their eloquent and powerful advocate; he then filled the post which I now humbly occupy—he was my predecessor in representing the University of Dublin; he was, I believe, the last of that group of illustrious men who once shed so great a lustre upon Ireland. The noble Lord referred to this speech of 1821, but its argument and its eloquence overwhelm the noble Lord in his attempt to misapply it. It sought to incorporate the Roman Catholics as partakers of the Constitution which they agreed to defend and perpetuate; but the most ample and stringent security was provided against domestic or foreign hostility. It was said that by the proposed alteration of the oaths the Jew would be admitted. This has been declared by the noble Lord as the only thing wanting to complete the edifice of religious liberty. But I will not take the materials from the foundation to complete the superstructure; nor can I believe that the Jew would consent to obtain this privilege at the price of breaking down the sacred barriers, which have fenced us round against Papal encroachment and usurpation. With respect to the omission of the words "On the true faith of a Christian," they were not omitted by the noble Lord in the oath for Protestants, in the Bill of 1849. It has been said that they were introduced for a very different purpose than the exclusion of Jews. This is true; but they assume that at that time every Member of the House was a professed Christian. But are they not now of real value? What did the Chancellor of the Exchequer say in 1849, in reference to the retention of these very words? He "frankly owned that he was glad the noble Lord retained these words in respect to all Christian Members of the House, considering the solemn duties which we are called upon to perform. He thought the noble Lord had acted wisely in declining to reduce that high standard which we have fixed for ourselves." In this recent declaration of the Chancellor of the Exchequer I entirely concur; but I would ask him—I would ask the noble Lord—are our duties now less solemn? nay, does not this very day on which we commemorate the great and crowning fact of the Ascension of our blessed Lord, does it not specially remind us of the solemn sanctions of our true Christian faith? If our Lord be risen indeed; if He be King of Kings and Lord of Lords; if, in fact—and Dr. Chalmers has well remarked, that Christianity is essentially a religion of facts—if, in fact, He reign supreme; if He has sent his true and only vicar, the Holy Spirit, the Comforter, to breathe into the Church on earth the life of heaven; then will I stand fast in the liberty wherewith He has made us free; then will I adhere to the simple but solemn recognition of the truth of that pure and holy faith, which neither here nor elsewhere will I knowingly enable any to corrupt or to deny—that faith revealed, which has the sure promise of the life that now is and that which is to come.

Mr. J. G. PHILLIMORE said, he must complain that the Chancellor of the Exchequer had distorted an interjection he (Mr. Phillimore) had made during the speech of the right hon. Gentleman, and, with that ready sophistry which he had never shown himself a more complete master of than that night, had made that interjection a foundation for most fallacious reasoning. He admitted that the oath was called the oath of supremacy, because it meant to renounce the supremacy of the Pope, and nothing could be more frivolous than to discuss whether it was properly called an oath of supremacy or not. So completely was it considered in the light he had mentioned that, in order to remove any fears that might exist on the point, the oath was published in *Somers' Tracts*, and it was expressly declared that in it nothing was given to the Sovereign but that which was due in ancient times to the Imperial Crown of the realm. He rose, however, not to occupy the time of the House by correcting the misrepresentations the right hon. Gentleman had made, which he had adapted to his purpose with his usual astuteness in the very able speech he had delivered, but to call their attention to an objection which he thought must have escaped the attention of the noble Lord (Lord John Russell). He (Mr. Phillimore) was not prepared to join in many of the arguments he had heard against the Bill; but the measure, as it now stood, completely relieved every beneficed clergyman from taking the oath of supremacy. That was what he could not consent to; if it were confined to Members of the House of Parliament, he would not object; but if it were applicable to those who wished to combine the opinions of Rome with the emoluments of the Church of England—a class of gentlemen which the right hon. Member for the University of Oxford might imagine did not exist—he had the strongest objections to it. He would seriously ask, whether it was wise at the present moment to remove so great an obstacle to such gentlemen? He might be told that they signed the Articles, but who knew the construction they put upon them? As the law now stood, every beneficed clergyman, before he entered on his office, must take the oath of supremacy, and so renounce the spiritual authority of any foreign potentate. He hoped he should not be exposing himself to the imputation of bigotry, when he said that this was not the time when the House of Commons could afford to part with these protections. For these reasons, unless some exceptions were made which would overcome his objections, he could not conscientiously vote for this clause—a clause which he believed had been introduced into the Bill without the noble Lord's knowledge, but which he also believed had not been introduced without the knowledge of other persons. Unless some alterations were made so as to confine the measure to Members of Parliament, his view of the Bill would undergo a material change.

Mr. H. T. LIDDELL said, that this question had been argued with so much ability by the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Napier), that he was afraid he might be charged with presumption in rising so soon after his right hon. and learned Friend to state his views on this matter. He would endeavour to treat this question in a manner not so technical nor so professional as it had been discussed. He was called upon to give his assent to the second reading of a Bill of a most unusual and extraordinary character. The measure had been brought forward for a particular end by the noble Lord the Member for the City of London. He looked upon it as having a threefold object, and being threefold in its operation. The first object seemed to be to simplify those oaths which were taken by the Protestant Members of that House. And here, indeed, the noble Lord starts with some advantage, for he was following the example of a distinguished Peer in the other House of Parliament who had brought forward the same question last year. That measure proposed to abolish certain alleged superfluous and ambiguous declarations, especially in the oath of abjuration taken by Members of this House. The second object proposed by the Bill was to modify and to alter the oath taken by Roman Catholic Members of the House; and the third object of the Bill was the substitution of one oath for the various oaths that were now taken, to facilitate, as it were, by a side door, the admission of Jews into the Commons' House of Parliament. [Lord J. Russell: No; by the front door.] The noble Lord says, he wants to admit the Jews by the front door. This was, no doubt, a favourite and darling object of the noble Lord; but this Bill was intended to effect that object in an indirect manner which the noble Lord had heretofore failed in accomplishing. In respect to the first object of the Bill, he (Mr. Liddell) might have no very great objection, provided fair reasons were given in the preamble for such a measure. With regard to the alteration of that oath which formed the great compact between Protestants and Roman Catholics, when the latter were admitted to the full advantages of the constitution in 1829, he must declare his most unqualified opposition. He would not, upon any pretence, consent to any change whatever in the oath which was at that time established. When we remember the long and powerful struggle that took place before that great and crowning Act was accomplished—when we remember that for about half a century before the country was agitated by constant appeals in both Houses of Parliament—when we consider at what sacrifices that concession was made; at what an expense of character and sacrifice of interests that concession was made by the Minister who carried that measure—he, for one, would not consent to shake the compact then entered into, and thus to give a chance of reviving in any way those religious animosities and struggles which he believed had then terminated. Much had been said of the unchanged and unchangeable nature of that mighty power of Rome. Upon this subject he would take leave to refer to a passage taken from a distinguished writer in a Roman Catholic country. The work to which he would refer was not written to meet the present contest, or the existing circumstances of the country. It was written about a century ago; and all who hear this passage will find it equally applicable to everything that has taken place within our own recollection. The passage relates to the chapter on Rome, her power, and her policy. The work was written in the French language, but he would undertake to say that the translation of the extract he was about to read was literal and faithful. In speaking of the spiritual authority of Rome, what were the words which the author used? And the writer was one of the closest observers of human nature. He stated—

> "Her spiritual authority, always rather mixed up with temporal, is destroyed and hated in one-half of Christendom, and if in the other half she is regarded as a parent, she has children who sometimes resist her with reason and with success. The maxim of France is, to regard her as a personage, sacred, but aggressive (*entreprenante*), of whom she must kiss the feet, but sometimes tie the hands."

He then referred to the difficult question of divided allegance:—

> "To take an oath to any other than his Sovereign is a crime of '*leze majesté*' in a layman; in the cloister it is an act of religion. The difficulty of knowing to what extent one ought to obey this foreign Sovereign, the facility of allowing oneself to be seduced, the pleasure of shaking off a natural yoke to take one which is self-imposed, the spirit of trouble, the misfortune of the times, have too often carried away whole religious orders to serve Rome against their native country."

The writer then goes on to say:—

> "These advantages, regarded by many as the suite of greater abuses, by others as the remnant of the most sacred rights, are always sustained with art. Rome manages her credit with as much policy as the Roman Republic employed in conquering half the known world. No court ever knew better how to conduct itself according to the character of men and times. The most part of our writers have raised their voice, with reason, against the ambition of this court; but I do not see any who have rendered sufficient justice to its prudence. I know not if any other nation could have preserved so long a time in Europe so many prerogatives, always combated.
>
> "Every other would have perhaps lost them either by its haughtiness, or by its feebleness, or by its slowness, or by its vivacity; but Rome, employing, almost always at the right moment, firmness or suppleness, has preserved all that she has been able humanly to keep. Some rights, many pretensions, policy, and patience—these are what remain to this day to Rome of that ancient Power which six centuries before had wished to submit the Empire and Europe to the Tiara."

Those words were to be found in Voltaire's "History of Louis XIV." This language was written about 100 years ago, and referred, again, to a state of things existing about 100 years before that period. He declared, however, that there was not one of those observations that were not as applicable to the conduct, pretensions, and character of Rome at this day as it was at the time at which they were written; and, as he believed, they would be at all times and at all seasons. Why did he quote that passage? Because he said that it was applicable to a system that was unchanged and unchangeable—a system that had always excited so much trouble in our own country. A solemn compact was entered into at the period of Catholic Emancipation, in 1829, and he would never consent to see it tampered with, or shaken in the slightest degree, by any change in the oaths of that House. When the late Sir Robert Peel proposed the great measure of 1829, he treated of the question of securities. The noble Lord opposite would remember how many various securities were started at different times, in order to reconcile the people of England to that act of justice and of policy. Sir Robert Peel, having considered the subject, declared that he was not prepared to demand anything in the shape of positive securities; that he would grant the measure as a generous and unconditional boon to the Roman Catholics, and would trust to their honour and good faith for their recognition of our Protestant institutions. No opposition had ever been offered since to the measure of 1829, nor had any effort been ever made to disturb that settlement. He thought that it was an act of great rashness, of great political importance, and of great temerity, for the noble Lord now to attempt to disturb this compact, by proposing to repeal those oaths, for the purpose of substituting any other words with a view to the admission of Jews into that House. He knew how those great communities with which he was connected felt upon this subject. He knew how attached they were to the constitution, and with what regret they would view any change in the oaths taken by the Members of that House, because, in point of fact, they considered those oaths as the only security which this country possessed against the possible dangers of the Church of Rome. He stated that there was another object connected with this Bill. It was admitted that the main object of the Bill, which induced the noble Lord to run the risk of changing the oaths of the House, was to admit the Jews into Parliament.

He had frequently voted upon this subject, but he had never yet spoken upon it. He had never been able to give a vote in favour of the admission of the Jews. He was a Member of that House in 1829, when the question was brought forward with great ability by Mr. Robert Grant. He had opposed, on the first occasion of the subject being brought before the House, the admission of the Jews. Since that time the subject had been frequently discussed in that House, and in point of fact everything had probably been said upon both sides that could well be advanced upon the subject. But there was still a point to which he might be permitted to advert, which confirmed him in his intention to vote against the Bill. He was looking at a well-known essay of the right hon. Gentleman the Member for Edinburgh (Mr. Macaulay), who was admitted by all persons to be the most brilliant and able essayist that perhaps had ever written. He believed it was in one of those essays that the right hon. Gentleman argues this subject of the eligibility of Jews to serve as representatives in Parliament; but he thought that the right hon. Gentleman treated the subject with more of ridicule than of that solemnity with which it should be discussed. In thus treating the question in a spirit of ridicule the right hon. Gentleman committed an error of logic as well as of taste. He talks of a Christian Government with a degree of mockery, as if it were as essential to insist upon Christian cookery. The right hon. Gentleman then goes on to argue that we might as reasonably talk of compelling our cobblers to take the oath "upon the true faith of a Christian" as to require our representatives in that House to take such an oath. Now, with all due deference to the right hon. Gentleman (Mr. Macaulay), he thought that there was a very wide difference between a Member entering that House to maintain certain principles that were recognised by our constitution, and the position of a cobbler employed to make our shoes. If there be any ridicule imparted to this argument, it must attach to the right hon. Gentleman who was the original author of it. It was an ancient and reverent custom in that House to offer up prayers every day to the Supreme Being in the name of our common Redeemer. If persons went to that House who professed not to be Christians, and who thought that the Redeemer was an impostor and a cheat, he should not be surprised at seeing such persons protesting against those prayers as being offensive to their feelings and their consciences. He could not conceive a greater offence to the religious feelings of the members and of the community generally than such a contingency as that arising. He might be told that this was impossible. He, however, said that nothing was impossible in reference to religious feelings and conscientious scruples. He had seen those conscientious scruples carried to a very menacing extent, and so constantly brought forward that he protested he thought nothing would be more probable than to see their prayers objected to from conscientious scruples if Jews were permitted to take part in the proceedings of Parliament. There were other circumstances connected with this question which equally demanded some observations, and which still further induced him to object to the abolition of the words in the oath "upon the true faith of a Christian." Still more did he object to such a change in the oaths as was proposed under the pretence of making the one oath applicable to all. He admitted that *primâ facie* it might be desirable to effect this object, but, in his opinion, the proposition was fraught with the most dangerous consequences. Inasmuch, then, as there had not been sufficient grounds shown for making the change proposed, he must vote for the Amendment of the hon. and learned Member for Stamford.

SIR JOSHUA WALMSLEY said, there was one, and only one, of the sentiments uttered by the hon. Gentleman the Member for Liverpool, who had just resumed his seat, in which he could concur, which was, that the Bill under consideration was mainly intended to enable the Jews to sit in Parliament, and thus to give to the people the opportunity of selecting those they deemed most fit to represent their interest in that House, whether Jew or Gentile. If this were the main purpose of the Bill, there was another equally important, that of placing every Member of the House on a perfect equality in respect to their religious creed when they had obtained a seat in the House. But there was a still greater benefit to be gathered from the Bill, the removal of that anomaly which was a means of offence to so large a portion of our fellow-subjects, by forcing Protestants to give the lie to the creed of their Roman Catholic fellow Christians in the oath which they took at the table of the House. He thought that religious discussions ought to be avoided in that House, and if this were a purely religious question, he should not be found uttering a word upon it. He was persuaded that nothing could be worse than the continual introduction of religious controversy. It was alike destructive of good feeling and detrimental to the interests of the community. He had heard from both sides of the House that this was a great constitutional question, and he fully concurred in that view of the subject. If it were such it was most desirable that it should be viewed in a constitutional light. Hitherto it had not been so treated. Four times had the people returned a Jew to Parliament as their representative, and as often had that House refused to acknowledge his eligibility. In deference to the House of Lords that House had refused to proceed by Resolution, and admit Jews at once, as he believed they ought to have done. They had introduced four separate Bills on this subject. Now what had been the fate of those Bills? They had passed that House with large majorities. In the year 1848, in a House of 407 Members, the majority for the third reading was sixty-one; it was thrown out in the Lords. In 1849, another Bill was passed in the House of Commons by a majority of sixty-six. This Bill was also rejected in the Lords. In 1851 a similar fate overtook a Bill sent up to that House, although it passed the third reading in the Commons without a division. Again, last year, in a House of 518, there was a majority of fifty-eight in the Commons, but the Bill was again rejected in the Lords. If this were the great constitutional question which it was represented to be, he ventured to ask why the Government did not proceed to make it a Cabinet question and stake the fate of the Administration upon it? Were they to continue in such a course, and if so, to what length was courtesy to be carried? He was persuaded that if the Government would take the bold and manly course they would be supported by the people and sustained in that which he believed to be a just, expedient, and constitutional proceeding.

Mr. NEWDEGATE* said, that the hon. Member for Leicester (Sir J. Walmsley), who had last spoken, had raised the fundamental issue involved in the present discussion, the real primary object of the noble Lord the Member for the City of London, and of this Bill, and that was the admission of Jews into the Legislature of this Christian country. The hon. Member invited the House to take this matter into its own hands, to legislate upon its own constitution by resolution, to ignore the House of Lords and the Crown, in short, to arrogate to itself an arbitrary power above the law. Such a power as this had never been assumed except by the Long Parliament, and that afforded a precedent which few would wish to see revived. Perhaps, professing the democratic views which the hon. Member was well known to hold, the hon. Gentleman might view such a precedent with less apprehension. But that the noble Lord the Member for London should have been tempted into a threat, that he would advise the House to break through all constitutional precedents, and to arrogate to itself an arbitrary authority, was indeed surprising. If, however, such a proposal were made, he was confident that there would be found, even upon the noble Lord's side of the House, too much constitutional feeling to admit of such a violation of the Constitution. The real question at issue was, whether the Parliament of this country shall retain its Christian character or not. This measure was another illustration of the inconsistency which had marked the public career of the noble Lord the Member for London (Lord J. Russell), on all subjects connected with the Protestantism of the Constitution, ever since he seriously contemplated his now often-repeated attack upon the Christian character of the State. It had been amply shown to-night that, at different periods, the noble Lord had distinctly refused to alter the oaths in the most important particulars in which he now proposed to change them. He had been seen to guard the oath of supremacy. He had been known to refuse to alter the oath of abjuration. He had been heard to defend the oath taken by Roman Catholic Members, in the form in which it stood upon the Statute-book, at once the record and the result of the great compact by which individuals of that persuasion were allowed to participate in the legislation of the country. All this the noble Lord had been known to do; yet, to the surprise of every one, he now proposes to effect changes in these oaths, fraught with the utmost danger to our Protestant institutions. And why? Because he had been defeated in his successive attempts to induce the House of Lords to break through the Christian character of Parliament. The noble Lord, if he were not actually conscious of the fact, must have a shrewd suspicion at least that in their determination to maintain the Christian character of the Legislature, the House of Lords was backed by the opinion of the country at large. If there were anything like a strong or general feeling on the part of the public in favour of the admission of Jews to seats in the Legislature, it would have found expression in public meetings and in petitions, but no such movement had rewarded the exertions of the Jewish partisans, though they had laboured for it these seven years. On the contrary, the people of England had manifested their distinct though tacit acquiescence in the righteous judgment of the House of Lords. He (Mr. Newdegate) could not help adverting to some of the inconsistencies into which the noble Lord had fallen since the year 1846, the date to which the noble Lord himself assigned his first having entertained this Jewish question; inconsistencies which were the inevitable result of the attempt to deprive the State of its Christian character, and of the pretence that this was compatible with the maintenance of the Protestant Constitution of this country; for Protestantism without Christianity was a mere negation. The Protestantism, whether it were that of an individual, of an assembly, or of a State, that was not Christian, was the mere denial of certain errors in a religion itself not believed; and thus, if not simply nugatory, tended to infidelity; for Protestantism was simply Christianity purified from the errors and corruptions of Popery. Let the House for a moment consider some of the inconsistencies and wanderings from the defence of the Protestant Constitution of this country, the real guarantee of the liberties of the people, into which his connection with this assault upon the Christian character of Parliament had led the noble Lord the Member for the City of London (Lord J. Russell). In the year 1846, the noble Lord declared, much to the gratification as well as surprise of the Roman Catholic Members of that House, that it was perfectly absurd to refuse to Roman Catholic bishops the assumption of any titles or jurisdiction over any districts which they might be pleased to adopt. He did not wonder, therefore, that Roman Catholic Members should be surprised, and that the Court of Rome should feel itself deceived, when, in February, 1851, they found the noble Lord coming down to the House of Commons, after writing his memorable epistle to the Bishop of Durham, to propose the Ecclesiastical Titles Bill, and using these expressions—

> "I certainly concluded, weakly it may be, that the Government of Rome, being a friendly Government, not being in hostility to this country, would never think it possible to create archbishops and bishops in this country, and to divide it into dioceses, without communicating at least the project to the Government of England. I did not believe it could be intended to insult the Queen. I may have been like the foolish Italian shepherd, who said—
>
> "'Urbem, quam dicunt Romam, Melibœe, putavi,
> Stultus ego, huic nostræ similem.'
>
> I may have thought, most trustingly and imprudently, that the Court of Rome would observe such relations, such discretion, such courtesy in her conduct with the State of England, as all other States which are friendly observe towards each other, and as she herself has observed towards every other State of Europe."—[3 *Hansard*, cxiv. 193.]

On that occasion the noble Lord made a speech which those who entertained the opinions he (Mr. Newdegate) professed, heartily rejoiced in; a speech fraught with sound constitutional principle, rife with a firm Protestant spirit, and the House responded to the appeal of the noble Lord by enacting the Ecclesiastical Titles Bill. Well, the noble Lord proceeded somewhat in the same course for some time. But at the commencement of the present Session he came down to the House, and proposed this measure in direct violation of the principles of the Ecclesiastical Titles Act, for the mere sake, as he (Mr. Newdegate) believed, of inducing the House to omit from the end of the oath the words, "on the true faith of a Christian," to which the Jew objected, but which were of the very essence of the oath, as an exposition of the doctrine that this Legislature was a Christian Legislature, and the representative of a Christian people, the basis of whose laws had been Christianity and Christian morality from time immemorial. He thought the House must be convinced, after the admirable speeches of the hon. and learned Member for Stamford (Sir F. Thesiger), and the hon. and learned Member for Dublin University (Mr. Napier), how extensive were the alterations now proposed to be made in the oaths, what great constitutional questions were thereby opened, and to what serious dangers these changes would, if adopted, expose the Protestant institutions of the country. It was said by some hon. Members that they desired a uniform oath in order to put an end to religious discussions in that House. But, surely, if that House were the representatives of the opinions of the people, the popular opinion would find expression here upon every subject that created an interest out of doors, whether the oath was a uniform one or not. There could not be a more shallow view of human nature than to suppose that it was possible to rule or legislate for mankind without reference to religion. Man was not a mere animal; no, there was within him an immortal soul, and that immortal soul craved for religion, and would have a religion of some kind or other. If it had not true religion, it will make itself an idol, as did the nations of old. Religious differences were just as rife, aye, more rife, among these idolators than they are among Christians; they were far more bitter and more deadly, for they were not tempered by the mild spirit of true religion. Mankind will have religion, and will have religious differences, owing to the different constitution of their minds. The attempts of pseudo-philosophers to ignore religion and religious differences in legislation were as idle, and as futile, as had been the attempts of the Papacy for ages, by arbitrary power and cruelty, to crush the expression of these differences as to religion. It was idle, then, to suppose that by doing away with these safeguards they would suppress religious discussions within the walls of Parliament, unless, indeed, it was presumed that the constitution of the House was so to be changed that the feelings of the people were no longer to be represented there. He could not consider the Bill in any other light than that of a proposal calculated and intended to break down those Protestant safeguards of the Constitution, the citadel of our freedom, both religious and civil. A Sovereign of this country once made the following declaration, and it contained principles upon which some hon. Members probably desired that Her Most Gracious Majesty should act. He begged the attention of the House for a few moments to the language of that declaration—

"Our conduct," said the Sovereign, "has been such in all times as ought to have persuaded the world that we are firm and constant to our resolutions; yet, that easy people may not be abused by the malice of crafty, wicked men, we think fit to declare that our intentions are not changed since the 4th of April, 1687, when we issued out our declaration for liberty of conscience in the following terms:—

"'HIS MAJESTY'S GRACIOUS DECLARATION TO ALL HIS LOVING SUBJECTS FOR LIBERTY OF CONSCIENCE.

"'It having pleased Almighty God, not only to bring us to the Imperial Crowns of these kingdoms * * * We cannot but heartily wish, as it will easily be believed, that the people of our dominions were members of the Catholic Church. Yet we humbly thank Almighty God, it is, and long time hath been, our constant sense and opinion (which upon divers occasions we have declared), that conscience ought not to be constrained, nor people forced in matters of mere religion. It has ever been directly contrary to our inclination, as we think it is to the interest of Government, which it destroys by spoiling trade, depopulating countries, and discouraging strangers, and, finally, that it never obtained the end for which it was employed. * * * We, therefore, out of our princely care and affection unto all our loving subjects, that they may live at ease and quiet, and for the increase of trade, and the encouragement of strangers, have thought fit, by virtue of our Royal prerogative, to issue forth this our declaration of indulgence, making no doubt of the concurrence of our two Houses of Parliament, when we shall think it convenient for them to meet. * * * And forasmuch as we are desirous to have the benefit of the service of all our loving subjects, which, by the law of nature, is inseparably annexed to and inherent in our Royal person, and that none of our subjects may for the future be under any discouragement or disability (who are otherwise well inclined and fit to serve us), by reason of some oaths or tests that have been usually administered on such occasions, we do hereby further declare, that it is our Royal will and pleasure that the oaths commonly called the Oaths of Supremacy and Allegiance, and also the several tests and declarations mentioned in the Acts of Parliament made in the 25th and 30th years of the reign of our late Royal brother King Charles II., shall not at any time hereafter be required to be taken, declared, or subscribed by any person or persons whatsoever, who is, or shall be, employed in any office or place of trust, either civil or military, under us or in our Government; and we do further declare it to be our pleasure and intention, from time to time hereafter, to grant our Royal dispensation under our Great Seal to all our loyal subjects so to be employed, who shall not take the said oaths or subscribe or declare the tests or declarations in the above-mentioned Acts, and every of them.'"—[*A Compleat Collection of State Tryals.*— London, MDCCXIX., vol. iii. p. 742.]

The friends of the abolition of all tests and the removal of all oaths could not, if they had invented it themselves, have a declaration more satisfactory to them than this. Let the House remember the circumstances under which this declaration was made, by whom it was made, and what were the consequences of making it. This was the declaration of King James II., the last Sovereign of these realms, who, being himself a Roman Catholic, dared openly to avow his desire to bring back upon Protestant England the Papal tyranny, from which she had freed herself. For not reading this very declaration in the churches of this realm the seven bishops were brought to trial, in violation and contempt of the laws and the Constitution of the land. What was the result? James II. attempted to enforce the principles enunciated in his declaration, to break down the Christian and Protestant safeguards of the country, and to remove those very oaths: and James II. became a wandering exile from his home, and himself and his descendants proscribed, within little more than a year from the date of this declaration. What was the feeling which pervaded the country at that momentous period? Why, such was the feeling of the audience who heard the verdict of "not guilty" pronounced by the jury who tried the bishops, that it broke through the rules of that solemn court of justice in loud and hearty cheers. Those cheers were caught up from street to street, until they were echoed in the camp at Hounslow, where the King was dining in the midst of his officers and soldiers, of whom Marlborough was one. The King asked what that noise meant, and was told that it was nothing—only the soldiers cheering because the bishops were acquitted. "Call ye that nothing?" exclaimed the King; and good reason had he for thinking that no trifling circumstance, for the spirit which he had aroused, and which found expression in those cheers, sealed his doom as Sovereign of these realms, and sent him a wanderer and an exile from his native land. He (Mr. Newdegate) believed the people of England were of the same temper now, and that their silent acquiescence in the decision of the House of Lords against the repeated assaults of the noble Lord and his partisans, proved that they were contented that that assembly should stand before the world, as they had hitherto stood in this matter, the representative of the soundest, the best, the most religious, and, he thanked God, he believed the most powerful and influential portion of the community. The policy of which the Bill upon the table formed a part—this determination to tamper with and destroy the Christian and Protestant safeguards of the Constitution —was analogous to the policy which had been pursued by James II.; and if it should be persevered in, the consequences, it might fairly be presumed, would, though perhaps not immediately, yet in the event prove not dissimilar. There was no fitting analogy in the history of this country, for the policy of those who formed the present Government in these matters, but with that of James II. James tampered with the Court of Rome, and tried to introduce a Papal Nuncio into this kingdom. The noble Lord the Member for the City of London had done the same, though the attempt was defeated by the opposition it encountered at the hands of the Duke of Wellington. James attempted to coerce the corporate freedom of the Universities; and his every Act in this respect was but too exactly reflected in the policy which characterised the present Government. Taking the policy of the present Government in these matters as a whole, he (Mr. Newdegate) believed that it was as repugnant to the people as was the policy of King James. He thought the House might judge how unacceptable was the present attempt to break through the Christian character of Parliament by the fact that, although the noble Lord had been seven years labouring to obtain popular support on this question, he had notoriously failed; whilst the House of Lords stood in the position of being the real representative of public opinion on the question, and so he believed that House would continue to be, as long as their Lordships had the good sense and courage to persevere in their defence of the Christian and Protestant character of our institutions. He trusted, therefore, that the House of Commons would not be misled into giving its support to the Bill of the noble Lord. It was a measure for which the noble Lord could not plead even the excuse of a pressure from without. It was a gratuitous insult to the Christian and Protestant people of England; they resented it deeply, though they were content to remain silent under the security which was afforded them by the House of Lords.

MR. MIALL said, he was reminded by the present discussion of an anecdote of the Rev. Robert Hall, of whom it was said that he had piled so many books upon his head that his brain could not move. He thought that the House had had far too much legal and historical lore poured forth upon this subject. The Bill had caused him to ask himself this question: Would the doing away with the oaths in any way injure the Protestantism or Christianity of this country, and could they be regarded as any security for what was called the Protestant and Christian character of the people? The Members of the House professing Dissenting opinions had been earnestly appealed to by the hon. and learned Member for Stamford (Sir F. Thesiger), who said that they should beware of following the noble Lord (Lord J. Russell) on this occasion, and should consider whether the movement was not intended for the benefit of the Roman Catholics, and those members of the English Church who were separated from Roman Catholicism but by a thin wall of partition. But the support of the Dissenters depended entirely upon the question whether the proposition was or was not a reasonable and just one. If it were considered by them a reasonable one, and if it fell in with their sense of justice, it was not because it would be one of relief to the Roman Catholics or to Jews, or even to those "who were separated from Roman Catholicism but by a thin wall of partition," that they could refuse to agree to it. The Dissenters might have—indeed they had—very great differences of opinion respecting doctrine and ecclesiastical discipline with both these bodies; but that difference would not prevent them from doing an act of justice, or extending to other religionists relief where it ought to be granted. These oaths had been referred to by the hon. and learned Member for Stamford; he said that they constituted the essential defence of the Protestant institutions of the country, and he called them the bulwarks of our Protestant Constitution. The course the argument had taken on the other side would seem to indicate that our Protestant Constitution was in danger from the aggressions of the Pope of Rome, and that these oaths constituted the only security against them. Now, if there were any such danger, if the spiritual influence of the Roman Pontiff were upon the increase in this country, which he (Mr. Miall) did not believe, that danger would not be averted by the agency of political restrictions. The exaction of discriminating oaths at the table of that House appeared to him to be a very clumsy mode of obstructing spiritual influence. They might as well attempt to guard themselves against temptation and the suggestions of the evil one by shutting all their doors and windows; or to prevent their thoughts from wandering by placing themselves under a glass case. The essential and vital principle of Protestantism, as he understood it, was the right of private judgment, and it was difficult to believe that the power, the potency, and the spiritual worth of that right could be best exemplified or secured by putting it in fetters, and by restricting its exercise within the narrow limits of an oath. He contended, further, that in resorting to such means of defence against Papal aggression, and for the security of Protestantism, they were not only adopting a proceeding which was idle and ineffective, but which was calculated to aggravate and intensify the very mischief they were designed to guard against. Not two centuries ago, the people of this country believed in witchcraft, and Church and State exerted their utmost power to crush it; but so long as they levelled against it the penalties of law, it was not too much to say that it was rendered a malignant and deadly power, and exercised a terrible influence over men's imaginations. The very remedies, such as Statutes, faggots and fires, incantations, and horse-shoes, in which our forefathers so long trusted for protection against witchcraft, kept up in men's minds a false idea of the evil they had to guard against. Now, in his (Mr. Miall's) conscience he believed that all the political efforts made by that House to resist Popery produced precisely the same results. Why should Protestants be so constantly fearful of their own religion? The Pope of Rome had no stronger auxiliary in this country than the terrified imaginations of weak-minded Protestants themselves. What had a healthy and manly Protestantism to fear from Roman Catholicism receiving a fair stage and no favour in this country? Abolish their restrictions and men's excitable minds would calm down on this subject. The anti-Popery furor which swept occasionally across the land, and blasted to the very roots all the kindlier charities of life and of religion, was a factitious excitement. It generally originated with some clergyman or preacher of distempered brain, who turned his thoughts and imagination to the study of unfulfilled prophecy, and the natural result of this was that he became light-headed, and seemed to descry evils as impending which no rational man could anticipate. The dark prognostic proved a good instrument in the hands of some political party, and newspapers and other publications on the subject were issued, which circulated largely among ladies' maids and aged gentlewomen. A clamour was thus got up and fed when any liberal and comprehensive measure was brought before Parliament, and a cry was raised that our Protestant institutions were in danger. We were always falling back upon our own morbid fears and idle apprehensions, and even sensible men were bored and drilled into the half belief that the Pope would regain his ascendancy and the fires of Smithfield be relighted. It was high time for that House to withhold all encouragement from the raising of such miserable chimeras and phantoms. Were we afraid to trust our Protestantism and our Christianity to the deep convictions and earnest affections of the people of this country, or were we not? If we were not afraid, then why continue political restrictions in the shape of oaths? If we were afraid, and afraid with justice, too, then of what use would these oaths be? The House was now asked to relieve the consciences of men who were sent there to represent a portion of the population, in order that they might be able, freely and uncrippled, to exercise their powers to the best of their ability in making the laws of the country; and he said we had no right, from any apprehensions they entertained respecting this creed or that, to impose religious restrictions hurtful to the consciences of these representatives. On these grounds, he should give his most earnest and unqualified assent to the second reading of this Bill. He did not always agree with Her Majesty's Government respecting their ecclesiastical policy; but of this Bill every portion commended itself to his judgment, and he could contemplate all the consequences which hon. Gentlemen opposite to him had referred to as likely to result from it with perfect calmness and tranquillity.

Mr. WHITESIDE * said, it was a singular thing to hear it asserted, in the present day, that they were feeble-minded Protestants who framed the oaths then under discussion. If all persons were equally enlightened as the hon. Member who had just spoken, then the restrictions imposed by oaths might be unnecessary; but while human nature continued as it now existed, he was satisfied that the general abstractions in which the hon. Gentleman indulged could not aid the House in arriving at a sound conclusion on the subject of their debate. In reference to the oath contained in the Emancipation Act of 1829, the noble Lord had declared, that whosoever should propose its abolition would propose to remove the foundations of that measure. Therefore the noble Lord the Member for London, in proposing the Bill before the House, had reopened the largest questions which the House could be called upon to discuss—he had reopened a mighty question which had been discussed at the Reformation—he had opened questions which had been discussed at the Revolution—he had opened questions which had been settled at the period of Catholic emancipation. He wished to present to the House two sets of oaths, which ought to be considered in contrast. It would be impossible, otherwise, rightly to understand the principle at issue. Originally the Church of Rome did not exact oaths from its priests. In the eighth century an oath was first framed for the Romish clergy, and it was to the effect that they would preserve the unity of the Church by the purity of their lives, and would by that means exhibit the perfection of the Catholic religion. The Rev. Dr. O'Conor, author of the *Life of Columbanus*, and Librarian at Stowe, thus described the oath of the clergy at that early period. There was little objection to it. But, when Rome grew powerful, she also became political, and grasped at universal dominion. She well understood the effect of an oath upon the consciences of men—she well understood the effect, as Lord Bacon expressed it, of erecting a chair of state in the human mind; and she, therefore, endeavoured through the spiritual to rule the temporal. Dr. O'Conor attests that Thomas a'Becket first introduced into this country secretly the oath framed by Gregory VII. This oath he (Mr. Whiteside) would read, and then it would be for the House to say whether the oath framed to meet it ought to be repealed. Dr. O'Conor said that the Papal oath was not enforced upon ecclesiastics in Ireland until the reign of Elizabeth. He (Mr. Whiteside) would read it to the House, and they would see that it was a feudal obligation—an oath of fealty—an oath, in fact, which another Roman Catholic authority said had no equal in the annals of despotism. He would read it, filling in the blanks with the name of living ecclesiastics—

"I, John M'Hale, Archbishop elect of the Church of ———, will be obedient to the See of St. Peter, the Holy Roman Church, and to our Lord, Pius IX., and his successors."

It would be seen that it was an oath of fealty; the oath of allegiance to a Sovereign was taken in similar words. The next passage was—

> "I will neither advise, consent, or do anything that they may lose life or member, or that their persons may be seized, or hands anywise laid on them, or injuries offered to them under any pretence whatsoever. The counsel which they shall entrust me withal, by themselves, their messengers, or letters, I will not knowingly reveal to any to their prejudice. I will help them to defend and keep the Roman Papacy and the royalties of St. Peter, saving my order, against all men."

He (Mr. Whiteside) had read much upon the subject of the royalties of St. Peter; but it would require, not only a very learned man, but a great casuist also—he wished the Chancellor of the Exchequer were present—to explain what they meant. The oath proceeded—

> "The Legate of the Apostolic See, going and coming, I will honourably treat and help in his necessities. The rights, honours, privileges, and authority of the Holy Roman Church, of our Lord the Pope, and his foresaid successors, I will endeavour to preserve, defend, increase, and advance. I will not be in any counsel, action, or treaty, in which shall be plotted against our said Lord, and the said Roman Church, anything to the hurt or prejudice of their persons, right, honour, state, or power; and if I shall know any such thing to be treated or agitated by any whatsoever, I will hinder it to my power, and as soon as I can will signify it to our said Lord, or to some other by whom it may come to his knowledge. The rules of the holy fathers, the apostolic decrees, ordinances, or disposals, reservations, provisions, and mandates, I will observe with all my might, and cause to be observed by others. I will come to a council when I am called, unless I be hindered by a canonical impediment. I will, by myself in person, visit the threshold of the apostles every ten years, and give an account to our Lord and his aforesaid successors of all my pastoral office, and of all things anywise belonging to the state of my church, to the discipline of my clergy and people, and, lastly, to the salvation of souls committed to my trust; and will, in like manner, humbly receive and diligently execute the apostolic commands. And if I be detained by a lawful impediment I will perform all the things aforesaid by a certain messenger hereto specially empowered—a member of my chapter, or some other in ecclesiastical dignity, or else having a parsonage, or, in default of these, by a priest of the diocese, or, in default of one of the clergy (of the diocese), by some other secular or regular priest of approved integrity and religion, fully instructed in all things above mentioned."

That oath Henry VIII. discovered; but the Roman Catholic prelates had since then got expunged from it the words pledging them to the persecution of schismatics, heretics, and rebels to the Church. The history of that omission was this—a Russian bishop, elected Bishop of Mohilow, in 1785, who was a Christian as well as an ecclesiastic, came to read over this oath, and stopped short at the passage in question. He brought it under the notice of the Empress, and communications were immediately forwarded to Rome on this subject. The result was the omission of the persecuting passage. Such was the oath—the oath taken to a feudal superior—which the Act of Supremacy was framed to meet. Since then a curious passage had been added to it as a varnish, to this effect—

> "And such impediment I will make out, by lawful proofs, to be transmitted by the foresaid messenger to the cardinal proponent of the Holy Roman Church in the congregation of the Sacred Council. The possessions belonging to my table I will neither sell nor give away, nor mortgage, nor grant anew in fee, nor anywise alienate—no, not even with the consent of the chapter of my church, without consulting the Roman Pontiff. All and every of these things I will observe the more inviolably, as being certain that nothing is contained in them which can interfere with the fidelity I owe to the most Serene King of Great Britain and Ireland, and to his successors to the Throne. So help me God, &c."

The Pope had dictated that oath; the Pope had dictated also that final passage. What happened on its introduction to this country? Dr. Walsh said that this oath had been communicated to Henry VIII. by Dr. Cromwell. Now Henry VIII. had a legal mind—

> "The secret of this oath (says Father Walsh)—for by the bishops themselves it was a long time kept secret, lest their respective Princes might be startled at it—being discovered by Dr. Cromwell to Henry VIII., was the first grand occasion that resolute Prince took to fall heavily on the clergy of his dominions, and by degrees lessen their dependence on the Pope, till at last he utterly cut it off root and branch."

This account agrees with the King's own words to the Speaker, as given by Bishop Burnet—

> "He found upon inquiry that all the prelates, whom he had looked upon as wholly his subjects, were but half subjects; for at their consecration they swore an oath quite contrary to the oath they swore to the Crown; so that it seemed they were the Pope's subjects rather than his, which he referred to the cure of the Commons, that such order might be taken in it that the King might not be deluded."

Now, the word in the oath of supremacy that he desired to press upon the notice of the House, and which appeared to puzzle the right hon. Gentleman (Mr. Gladstone) most, was the word "jurisdiction." The Pope asserted ecclesiastical jurisdiction within the realm—we denied it—impliedly by the oath of allegiance, which meant undivided allegiance—expressly by the oath of supremacy, which was consequently the just exposition of the oath of allegiance. The oath taken by the Roman Catholic prelates to the Pope was in conflict with our solemn obligations. What were the sentiments of Sir J. Throckmorton, a lay Roman Catholic, concerning the oath imposed on the prelates of his Church? This gentleman, of an ancient and honourable Roman Catholic family, has spoken freely and wisely upon the subject—

> "In regard," he says, "to the fealty or allegiance which, at his consecration, each bishop promises to the Pope, if it mean anything, it means too much; if nothing, it is absurd, and degrades a solemn ceremony. This episcopal oath, as it is called, found its way into the Church in feudal times, when the Roman bishops, in imitation of other Princes, viewed themselves as Sovereign Lords, and all churchmen as their vassals. The bishop, therefore, did homage in the hands of the consecrator, the supposed representative of His Holiness; but as the days of feudal slavery have passed away, why has not this oath passed with them? Its language evidently denotes its feudal origin. Let there be no more of this. The whole oath gives umbrage to every thinking man, and should, therefore, be expunged; words void of meaning dishonour the lips that utter them. It should not, however, be concealed that the Court of Rome views them in another light, and will surrender no more of this feudal oath unless urged to it by the irresistible demands of Government."

And if the British Government desired to give satisfaction to the British people, the first duty of that Government ought to have been to have required an abandonment of what binds the consciences, actions, and conduct of the entire body of Roman Catholic prelates in this country to the Pope, and not to abolish the security which was adopted as a defensive measure against that feudal oath. Now what was the oath of the priest? Let it be observed the archbishops and bishops were bound to the Pope—the priests were bound to the bishops, and the whole system was moved, and capable of being moved, by one word of the Pope. This was the oath of the priest—

> "I acknowledge that the Holy Catholic and Apostolic Church of Rome is the mother and mistress of all Churches, and do promise true obedience to the Roman Pontiff, the successor of Peter, the vicar of Christ, and to all things defined and declared by the holy canons."

Those were the expressions of the oath, and being so, what did they find? Did the Pope of Rome claim jurisdiction over this country? Though the hon. Gentleman (Mr. Miall) and others might deride the usurpation, the House was bound to look to facts. In the State Trials it was proved that a priest had affixed a bull of Pope Pius V. to the gates of the palace of the Bishop of London, excommunicating Queen Elizabeth; and was it to be wondered, therefore, that their ancestors should devise securities to repel Papal usurpation, and preserve to the Sovereign of England complete and undisputed sway in her dominions? The noble Lord argued that the oath of supremacy was included in the oath of allegiance. The noble Lord said that was the natural exposition of the words of the oath—the oath of allegiance meaning, as he said, undivided allegiance, would exclude the temporal and spiritual authority of the Pope. If this were so, why should any loyal man refuse to take the oath of supremacy? The right hon. Gentleman (the Chancellor of the Exchequer), addressing the Presbyterians, asked them to agree with him in his extraordinary reading of this oath. Now, at the time of the Revolution, the oath was altered for the purpose of satisfying the consciences of the Presbyterian body, and also of the Dissenting body, the King's advisers saying, that no good subject would object to deny that any foreign Potentate or Prelate had jurisdiction in these realms. The very objection taken by the Chancellor of the Exchequer in his mysterious speech was the strongest argument in favour of retaining the oath of supremacy, and he did not think the right hon. Gentleman could count on the vote of a constitutional Whig on the question of abolishing this oath, when it was known that the oath was altered to suit the consciences of all honest men, and that it was recorded solemnly on the Bill of Rights. If the noble Lord could prove that what he would call the ridiculous pretensions of the Papacy were laid aside, and that the Pope no longer claimed jurisdiction over these realms, then a plausible case would have been made out for the abolition of the oath. Let them read the history of Ireland. Let them see what were the pretensions of the Pope in Ireland, and then seriously ask themselves if those pretensions were laid aside. Did the Pope lay aside his pretensions in the times of George I., George II., and George III.? Were those pretensions not asserted undeviatingly? And even when the last of the Stuarts died did not a tomb in the Vatican record that he died King of England, and thus deny that the then lawful Sovereign was King of England? Therefore, it would be seen the Popes claimed, to the last, jurisdiction—they asserted that jurisdiction at the Revolution, and they assert it still. But let them look to smaller things—let them look at the Ecclesiastical Titles Bill—a Bill which he did not admire, but valued as a protest against the Pope's pretensions. If it meant anything, it meant to deny the Pope's jurisdiction, although the right hon. Gentleman (the First Lord of the Admiralty) affirmed at the time, that the noble Lord's Bill was a declaration of war against the Roman Catholic community in this country. But now the right hon. Gentleman and the noble Lord had apparently accommodated their differences, and were found ranged on the same side in support of the attempt to remove the oath of supremacy, which was, in fact, a perpetual protest against all acts of Papal aggression—a general, constant, and standing protest on the part of this Protestant country against the assertion that the Pope "hath, or ever had, or ought to have, any jurisdiction in these realms." He insisted that the Pope never had the jurisdiction he laid claim to. It was a singular thing that there was no copy of Coke's writings in the library, but from Coke's Reports he would quote an example to prove that the Pope never had jurisdiction in these realms. In the reign of Edward I., a subject was tried for high treason, and sentenced to be hanged, and very properly so, for publishing a bull of the Pope's excommunicating another subject of the realm, and this was a crime by the ancient common law of England. The Lord Treasurer interfered in his favour, on the ground of his ignorance of the law that it was an offence to publish in this country bulls or mandates of the Pope sought to be enforced against subjects of these realms. Now, what did the noble Lord think of the jurisdiction recently exercised by the Pope in Ireland, with reference to the provincial colleges? The British Parliament passed an Act establishing those colleges. The Pope of Rome declared against them, and the hon. Member for Meath pronounced a sensible comment on that proceeding. The hon. Member for Meath said the Act of Parliament in opposition to a Papal decree was not worth a tenpenny nail; thus, the House had no jurisdiction to pass such an Act because the Pope had said so, and the Pope was infallible in the exercise of his jurisdiction. There was a book written by a professor in Maynooth College, Dr. Murray, in which he found this distinction was taken. Dr. Murray says—

> "The civil power is restricted, first, by the law of nature; secondly, by the positive Divine law. By the Divine law. Hence a Bill of divorce *quoad vinculum*, on the ground of adultery, is so far invalid, and of no effect. Hence also a prohibition against the introduction of bulls or other documents emanating from the Holy See, on purely spiritual matters, would be invalid. For the Sovereign Pontiff has, by Divine right, authority to teach the faithful everywhere, and to legislate for them."

Apply this doctrine to the clauses in the Emancipation Act, in which the Legislature condemns and expels the order of Jesuits: a Papal Bull establishes them. The Statute is void; the Papal Bull is to prevail. Where, when, or how had the Pope abandoned his claim of jurisdiction? The noble Lord stated that those reasons, originally of force, no longer applied. The noble Lord, however, did not venture to give them a reason within his power—namely, on the subject of education. Now, on that subject, in which the House took so much interest, what were the sentiments of the same learned professor? He puts the case of the Queen's Colleges in Ireland. Having stated the circumstances of their origin, he asks "whether the system can be simply accepted or submitted to, or accepted conditionally, or for a time?"

> "The answer to this question (he writes) will be collected from, or rather contained in, the specific and distinct decision of the Sovereign Pontiff, if any such decision should have emanated from the Holy See. The right of the Church to decide on such a question is, as I shall also show hereafter, certain, supreme, and exclusive."

It was thus distinctly asserted that Parliament had no jurisdiction on the subject of education. The Pope claimed that jurisdiction. That he proved, not by reference to old books of musty divinity, but by the authority of documents fresh from the Papal mint—by modern declarations and by acts. If, then, the Papal power still maintained its claim of jurisdiction, he wished to hear why we should abandon our protest against that jurisdiction—why a principle which had existed for centuries, which was established at the Reformation, which was confirmed at the Revolution, and was the charter of our liberties up to this present hour, should now be abandoned? He would next apply himself to another part of this curious Bill—that part which dealt with the Roman Catholic oath. The noble Lord said that oath was the foundation of the Act of 1829. He (Mr. Whiteside) would admit the importance of the question of the right hon. Gentleman the Chancellor of the Exchequer, who asked, ought Roman Catholics to be limited or controlled in any way in the exercise of their rights as Members of that House? What did that question raise? It raised the whole question of Roman Catholic emancipation. Now, he warned Ministers, whatever might be their opinion, that this great question could not and would not be determined by fluctuating majorities of that House. If the people of this Protestant country were told there was no security for the fulfilment of those conditions which Sir Robert Peel and the Duke of Wellington had imposed—if they were told likewise that the oath of supremacy was to be abolished by the agency of Her Majesty's Government, then they might be sure that the people of England would give, and would have a right to give, a decided opinion on the expediency of such perilous innovations. It was quite mournful to hear the question debated as a question of political morality. In one of the petitions for emancipation it was stated by the Roman Catholic petitioners, grant us but the privileges we ask, and we will give you every security that can be given by man. The House should remember the arguments of Plunket, Grattan, and others. They reasoned over each clause of the Roman Catholic oath in the Act 33 *Geo.* III.—they told the House that Roman Catholics respected oaths, and that the Protestants of England might grant emancipation to them, as they would faithfully keep the oaths they took. The Roman Catholics did not seek to be admitted to Parliament otherwise than to a Parliament under a Protestant Constitution. They said, frame oaths in that spirit and we will keep them. It had been said in that House that Sir Robert Peel was the author of Catholic emancipation. He denied it. That statesman sat unmoved by the brilliant eloquence of Grattan and the triumphant logic of Plunket. It was Mr. O'Connell that terrified Sir Robert Peel into passing the Bill. To the misfortune of his country, Sir Robert Peel refused to listen to the warning voices, and to adopt the well-considered suggestions of Grenville, Grattan, and of Plunket. Sir Robert Peel drew a Bill that was to give peace. He framed an oath to give security—an oath which his followers, who profess to revere his memory, without a blush were now ready to repeal. The right hon. Gentleman (Mr. Gladstone) appeared to be only consistent in inconsistency. The right hon. Gentleman at one time spoke against the Jew's Bill because it did away with the words of the oath, "on the faith of a Christian." Now, the right hon. Gentleman was going to vote for the abolition of those words and of the oath of supremacy, and, in doing so, would descend from the lofty pedestal on which he had placed himself, with dignity and grace. The right hon. Gentleman also said the Roman Catholic oath was absurd; and, in saying that, the right hon. Gentleman asserted that his great master, Sir Robert Peel, was an incapable politician. But this was incorrect. Sir Robert Peel framed the oath, and it was wisely and considerately framed, and, in condemning it, the right hon. Gentleman (Mr. Gladstone) had not done justice to his own sound Protestant feeling.

The right hon. Gentleman declared that the words of the Roman Catholic oath framed by Sir Robert Peel were inconsistent—were unmeaning. It followed that the oath was a great mark of Sir Robert Peel's incapacity; for surely that eminent statesman never meant treachery by the Protestants of England. In his (Mr. Whiteside's) opinion, the oath was framed with consummate ability. As the oath was first framed, the Roman Catholic was called upon to swear that he would not pull down the Protestant Establishment, in order to set up the Roman Catholic in its stead. But when Sir Robert Peel came to reflect upon the terms of that oath, he saw that the words would not restrain the Roman Catholic from attempting to pull down the Protestant Establishment, if only he did not endeavour to erect a Roman Catholic Establishment in its stead; and, therefore, he framed the oath in positive terms, calling upon the Roman Catholics to swear that they would not subvert the present Church Establishment as settled by law within this realm. What could be more plain than this oath, which left opinion free, but which bound the conduct? Yet this was the oath which the right hon. Gentleman declared he could not understand. He did not know what was meant by the settlement of property—the Church established by law—the Protestant institutions and the Protestant Government of the country. I trust that speech of the right hon. Gentleman will be remembered by the people of England. It was a speech which, from the beginning to the end, was based upon the assumption that the oath of supremacy was not intelligible—that oath which was framed by as able, as patriotic, and as noble-minded men as ever wielded the destinies of England. But they had no skill in that science in which the right hon. Gentleman is so eminently versed. The right hon. Gentleman said he did not know what it was argued that Sir Robert Peel meant by the settlement of property. Did he know what the Church Establishment meant? Did he know what the Protestant Government of this country meant? Was it possible that his illustrious Friend (Sir Robert Peel) should have framed an oath that was absolutely worthless—so worthless that the right hon. Gentleman threw contempt upon the understanding of any man who attempted to give a rational interpretation to that oath? He (Mr. Whiteside) once heard a very curious sermon. It was delivered on the Quirinal, in the presence of the Pope and the College of Cardinals, and the preacher sketched the prospects of the Church of Rome in various countries. When he came to England, he pronounced a high eulogium upon the University of Oxford. He said that in that University there were men of great learning, and of eminent ability; but what was still more, they were devoted in their adherence to the Papacy. He said they had done more by their speeches and by their writings for the spread of opinions favourable to the re-establishment of the Roman Catholic religion in England, than had been done since the horrible period of the Reformation. Now he so far agreed with that sermon, that he had no trust in the school to which the right hon. Gentleman belonged, and he would tell him plainly why. The right hon. Gentleman derided the oaths which were framed for the preservation and the protection of the Constitution—which were established at the Reformation, and confirmed at the Revolution. The right hon. Gentleman was for abolishing all these oaths, because he said they were of no use; thus proving the correctness of the estimate formed by the preacher to whom he had referred. The same argument would hold good for abolishing the oath of allegiance, and the coronation oath, because, if a man were a rebel in his heart, of what use would an oath be to bind him to the Sovereign, or the Sovereign to him? What follows from all this? Sanctioned by the high authority of the right hon. Gentleman, he saw no reason why the Roman Catholic Members of this House might not stand up and say, we are released from the obligations which once restrained us, and we shall vote away the Church Establishment. He would now come to the question as it regarded the Jews. He believed that was a very small part of the present debate. His own opinion was that the noble Lord had dragged their case into this Bill to ensure its defeat. He would ask, if this Bill passed, might not Baron Rothschild become Prime Minister of England? If so, might he not give away the bishoprics of the Protestant Church? Might he not become Lord Chancellor? If so, might he not give away the livings of the Church? Might he not become a Judge in the Ecclesiastical Courts? And, if so, might he not sit in judgment, and decide upon questions connected with the faith and discipline of the Protestant Church? The Bill of last year excluded the Jew from certain political offices, and from being appointed Judge of Ecclesiastical Courts, and from advising the Sovereign in the disposal of the patronage of the Church. This Bill contained no such restrictions, and he believed it was never intended by the Ministry to pass. In voting against the Jew, he would do it with regret; but, with his present convictions, he must decide against him. But he had no prejudice against the distinguished person who naturally desired the honour of a seat in this House. His objection was, that according to his reading of the Constitution of this country, Christianity was the law, the law was Christianity. It had been so held by men as able and as gifted as the Chancellor of the Exchequer. He (Mr. Whiteside) could not yield up what he had been taught by the wisdom of Fortescue, by the learning of Coke, by the deep thoughts of Hale, even to the opinions of the right hon. Gentleman. But, as he said, he had no ill will to the hon. Gentleman who was seeking a seat in this House. That Gentleman belonged to a race, ancient, indestructible, intellectual, and he could not believe that they were to be for ever alienated from the faith of God. He trusted that the hon. Gentleman would yet sit in the House as a Christian; and happy would he be to see him amongst them, maintaining those safeguards of liberty, those admirable provisions for the safety of the Church, the Protestant religion, and our national independence, which it was the object of the right hon. Gentleman (the Chancellor of the Exchequer), and the present Ministry, without reason to destroy.

LORD JOHN RUSSELL: Sir, I have certainly beheld to-night a somewhat novel spectacle, considering that the House is engaged in a discussion on the subject of the admission of Jews to take a seat in Parliament. The part which I have taken in this matter is simply this—the House of Lords having several times rejected Bills which have passed this House for the purpose of the admission of Jews into Parliament, I thought it might be as well to put together the various provisions of those Bills—[*Laughter*]—and to propose that the House should enact that, without any religious disability whatever, persons elected by the electors of this country should take their seats by taking an oath framed in conformity with the principles of religious liberty. [*Cheers.*] Hon. Gentlemen opposite seem to think that this is a very ridiculous thing. Such, however, has been the simple course which I have felt it my duty to pursue. This, however, is at least apparent, that on every former debate we have heard that Christians are united, and that there is one character which pervades all denominations of Christians, while the Jews are a totally separate race, and are so much divided from all Christians that it is impossible to admit them to take a seat in this House. The character of Christianity, it used to be said, was broad and simple, and that that character was to be found in all the Members of this House. But instead of such language having been held on the present occasion, what I have seen has been this —that the very name of Jew has been almost entirely omitted from the debate, and that, instead thereof, the differences prevailing between Protestant and Catholic have formed the whole staple of the speeches which have been delivered by hon. Gentlemen to-night. Now, if facts and history did not support me, I should be deterred from asking the House to confirm the second reading of the Bill by the denunciations which have been uttered by the hon. and learned Member for Stamford (Sir F. Thesiger) and by the right hon. and learned Member for the University of Dublin (Mr. Napier). The hon. and learned Member for Stamford says, here is an Act passed in the beginning of the reign of Queen Elizabeth—that wise Princess—containing an oath framed for the security of Protestantism; and he then asks, is it possible that that oath, so sacred, and one which more than three centuries ago was enacted by the wisdom of that great Princess, surrounded and aided by the many able statesmen of the age, who formed her councillors, can be abrogated? Well, Sir, I might, I say, have felt some hesitation—alarmed at the hon. and learned Gentleman's denunciations touching that oath, had I not the consolation of knowing that that oath was totally defeated by an Act of Parliament passed at the time of the Revolution, so that I cannot be guilty of altering that oath, because another set of our wise ancestors—namely, William III. and his councillors—thought proper totally and entirely to repeal that oath which had been enacted by Queen Elizabeth and her Parliament. Then came the right hon. and learned Gentleman the Member for the University of Dublin, and he says—"Here is an oath enacted by the wisdom of King William III. and Lord Somers,—surely you will not attempt to alter that." The reasons so strongly urged by the right hon. and learned Gentleman might have induced me to hesitate and pause, were it not that, in the time of George IV., in the tenth year of that King's reign, that oath, so enacted by the wisdom of William III. and his statesmen, was entirely altered, and that those very persons whom it was intended by that oath to exclude from Parliament were admitted to Parliament by the said Act of George IV. So that the two Acts which I am accused of touching with an irreverent hand—the Act of Elizabeth, that wise Princess, and the Act of William III. and his wise councillors—are Acts that are dead, and do not now exist on the Statute-book; so that, having been slain already, it is impossible for me to kill them a second time. Now, Sir, this last piece of legislation—the admission of Roman Catholics to Parliament by the 10th of George IV.—does seem to me either to answer the arguments of hon. and learned Gentlemen opposite, or to place the debate upon a totally different foundation. They say, is it possible that, consistently with the Act of King William, Roman Catholics can be admitted to Parliament? Here, say they, is the security of that oath by which ecclesiastical and spiritual jurisdiction is denied to any foreign prince or potentate; well, that was intended to exclude Roman Catholics. But, Sir, the Act of Parliament to which I have referred—the Catholic Emancipation Act —exempts Roman Catholics from those provisions; and those words, "ecclesiastical and spiritual," for their sakes, for their benefit, and in indulgence to their scruples, are omitted in the oath. Why, Sir, one of two consequences must follow—either all the declamation which I have been listening to for hours must be totally out of place, or else this consequence must follow,—that hon. Gentlemen opposite are now disposed to reverse the policy of the Emancipation Act, and are prepared to affirm that no person ought to be permitted to take a seat in this House unless he has taken the oath prescribed by the Act of King William III., and that Roman Catholics ought to be excluded. Indeed, the right hon. and learned Member for the University of Dublin has actually said that if a person does not conform to the oaths which are enacted by the Bill of Rights he has no business to a seat in this House. Does the right hon. and learned Gentleman mean by his allusion to the Bill of Rights these oaths? Does he mean the oath of supremacy? If he does mean that, then he must necessarily mean to deny the right of a Roman Catholic to a seat in this House. But if he does not mean that, then his argument has no bearing on the subject of this debate. Now mark what it is that I am accused of doing. We have heard from the hon. and learned Gentleman who has just sat down that the oath of 1829 was framed with consummate ability. Now, what have I done? I have taken the very words which are applied to Roman Catholics by the Act of 1829, and I have put them into the oath which I have inserted in this my Bill. The oath of supremacy was altered for the purpose I have stated. Well, the hon. and learned Gentleman the Member for Stamford (Sir F. Thesiger) calls those words "a lame and mutilated declaration," while the right hon. and learned Member for the University of Dublin (Mr. Napier) calls them "weak and washy words." So that at one moment those words were framed with consummate ability, according to the reading of the hon. and learned Member for Enniskillen (Mr. Whiteside), and do great honour to the wisdom of Sir Robert Peel, and the next moment they are termed "lame and mutilated," "weak and washy," and it is exceedingly wrong in me to adopt them. What I have proposed to do is to take words which all Members of this House could adopt. The persons against whom these words were particularly framed, against whom they were intended to be a bar and a security, were the Roman Catholics; but you have admitted the Roman Catholics. Why, then, should you not take the words which you have allowed to be sufficient for the Roman Catholics, and let the Protestants, against whom you do not wish for a security, be admitted by those same words? You do not want a security against Protestants. These words "ecclesiastical or spiritual" were intended as a security against Roman Catholics; and yet you say you are ready to give up these words as far as regards those persons against whom you wish for a security; but, with regard to men against whom you do not want a security, you will keep the words as a great safeguard of the Constitution. Consider what the Protestants of this country are as a community. They do not want to acknowledge the jurisdiction of the Pope—they do not want to have the tribunals of the Pope in this country —they do not defer to the authority of the Pope with regard to marriage, or to any other transaction of civil life, and therefore it is quite unnecessary, in addition to all the security you have in their daily life, in their worship upon every Sunday, in their social practice upon every week-day, to ask for any security from them that they are ready to protest against a foreign interference. They show that no such security is wanted. Here are a set of persons whom you did not admit, against whom you thought it right to take bail—to take security—because you said they were not to be trusted. Well, now, you find that those persons are to be trusted, your suspicions, whether they were well founded or not, are at any rate over; you no longer require to take bail against those persons, but you say with regard to all the rest of the community, "I will take bail against them, and if suspected persons are not to be subjected to any restraint, it will, at least, be a great satisfaction to me to put that restraint upon those who are not suspected." The arguments which have been used have turned so much upon the various proposals that I have made, that I am obliged to speak somewhat upon the general purposes which I have had in view. Now, it appears to me that an oath is a very solemn proceeding. I cannot think that it ought to be taken lightly—I cannot think that Judges, and Bishops, and Members of the House of Lords and of the House of Commons ought to declare, in the presence of God, that which is a futile and unnecessary declaration. That seems to me to be a degree of levity which ought not to be permitted. But what is this declaration—what is this oath? It is in these words—

> "I do solemnly and sincerely declare that I do believe in my conscience that not any of the descendants of the person who pretended to be Prince of Wales during the life of the late King James II., and since his decease pretended to be, and took upon himself the style and title of King of England, by the name of James III., or of Scotland, by the name of James VIII., or the style and title of King of Great Britain, hath any right or title whatsoever to the crown of this realm, or any other the dominions thereunto belonging; and I do renounce, refuse, and abjure any allegiance or obedience to any of them. So help me God."

At the end of this oath you say, "So help me God." You make use of the solemn form of an oath to renounce your allegiance to a certain person, when every one of you knows perfectly well that there is no such person in existence to claim that allegiance from any one in this country. Then, as if in order to complete the absurdity, the hon. and learned Gentleman who last spoke said he had seen at Rome the tomb where the last of the Stuarts was buried—which, I believe, was put up at the expense of His late Majesty George IV.—and yet he thinks that the person who is buried there is a most formidable pretender, to guard against whom we ought to keep up this solemn form of oath. Can we not allow this oath to be buried in that very tomb in which the last of the Stuarts has been placed? The Stuarts were a very false, a very treacherous, a very tyrannical race; I am very glad that they were ejected from these realms; I am very glad that none of the descendants of James II. ever came back to claim any right to the government of this country. But, really, now that they are all departed, it is not necessary that every Bishop, every Judge, every Peer, every Member of the House of Commons should go through the form of taking this oath. Then, we go on to the oath which is taken by Roman Catholics. I will come afterwards to the question as to the oath of supremacy. The person taking that oath declares—

> "That it is not an article of my faith, and that I denounce, reject, and abjure the opinion, that Princes excommunicated or deprived by the Pope, or any other authority of the See of Rome, may be deposed or murdered by their subjects, or by any person whatsoever."

The hon. and learned Gentleman said that I left these words in the Bill of 1852, the Bill for amending the representation of the people. I did leave those words in the Bill, with the exception of the word "murdered," which I thought was very insulting; but I really do not think that this paragraph is of any use when we are framing what I hope will be a very simple oath, which every Member of this House, whatever may be his religious persuasion, will be able to take. I do not think it is worth while to keep up any reference to those doctrines, which, whatever the hon. and learned Gentleman may say, I do not believe at this time form part of the Roman Catholic religion. The oath then goes on to say—

> "I do swear that I will defend to the utmost of my power the settlement of property within this realm, as established by the laws."

Upon that part of the subject I will not attempt to add anything to what was said by my right hon. Friend the Chancellor of the Exchequer in the eloquent speech which he to-night addressed to the House, and which I trust, as the hon. and learned Gentleman who last spoke has said, will receive that attention throughout the country which it is so well calculated to create. But then we come to these words—

> "And I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present Church Establishment as settled by law within this realm."

Now, these words were, no doubt, inserted in 1829 with the view of their forming a security for the Protestant Church Establishment; but let us consider a little in what sense oaths of this kind ever give you any security at all. When men are disposed to do a certain act, when they feel that there is an obligation upon them which they may fairly be called upon to perform, the enforcing of an oath, the taking God to witness to the truth of what they are about to say, and to their willingness to perform a certain act, no doubt gives a very solemn sanction to what they declare, and does, I think, give a security which the community has a right to ask and upon which it may depend. For instance, a man relating some transactions which may afterwards become the subject of a criminal process among his friends, or at a dinner table, may state the circumstances loosely and carelessly, he may mix up with what he has himself seen and knows perfectly well other circumstances which he believes from having heard them, but for which he has no very solemn authority. That same man, when he is summoned into a court of justice as a witness upon a criminal trial, will properly be called upon to swear that he will tell the truth, the whole truth, and nothing but the truth, and under that obligation, and in that presence, he will take care to relate only that which he is sure that he has seen and that he knows to be true, and he will disregard those circumstances which in a careless moment he had introduced into a narrative related among friends. Thereby you gain the great object for which you imposed an oath upon him. So likewise with regard to the duty of allegiance, which all Members of Parliament, and others who are required to take this oath, feel themselves, as I trust, called upon to perform, this duty being solemnly called to their mind, the taking of an oath by them gives an additional security for the performance of it; but it is a very different thing when you ask men to undertake a duty which is contrary to an obligation that they believe is imposed on them by some other duty, and which, under those circumstances, they may find themselves unable to perform. Now, Sir, in looking at this Act, a remarkable circumstance occurs to me, which is an illustration of what I have just said. In the beginning of the reign of Charles II. our ancestors thought they would frame some provision by which an insurrection, such as that which had distinguished the civil war, should be prevented, by which men should bind themselves not to take arms against the Sovereign, and not to use, as the leaders of the popular party had done in the time of Charles I., the name of the Sovereign against his person; and, accordingly, an oath was framed which underwent, I think, seventeen days' debate in the House of Lords, in these words—

> "I, A. B., declare that it is not lawful upon any pretence whatsoever to take arms against the king, and that I do abhor that traitorous position of taking arms by his authority against his person, or against those who are commissioned by him."

The terms of this oath were very much debated, and, during the debates upon it, Lord Halifax, with his usual point and wit, said what never has been, and, I think, never can be, answered. He said—

> "An oath of this kind will give you no security; if every man in this town had taken a solemn oath not to break into his neighbour's house and not to commit robbery, no man, for that reason, would leave his doors unbolted."

This was the saying of Lord Halifax, as able and witty a man, perhaps, as any of those who took part in the debates at that period. Now what followed? The oath was enacted, the first clause of the Bill was framed by a majority of those who at that time governed, and it provided that it was not lawful upon any pretence whatever to take arms against the King. James II., in the opinion of all the people of this country, of Whigs as well as of Tories, violated the conditions upon which alone he ought to be allowed to reign. Both parties took arms against him, this oath was totally disregarded; by means of the arms which they had taken against him they dethroned him, and one of the first Acts of William III. contains a clause by which the oath was totally repealed. Such is the security of an oath against that which men feel to be their duty. The men of that day felt it to be their duty to oppose James II. by arms, they felt it to be their duty to dethrone him, and they were not deterred from doing their duty even by an oath which had been framed with such infinite care after seventeen days' debate in the House of Lords. Much the same thing is applicable to this oath with regard to the Church Establishment in Ireland. I do not know how Roman Catholics in general understand it, but this I know, that with one or two exceptions of Roman Catholic Members, who thought it was their duty to abstain from every vote whatever in which ecclesiastical questions might be involved, all the Roman Catholic Members who have thought it would be for the benefit of Ireland, that the revenues of the Church Establishment in that country should be entirely taken away, have had no scruple or hesitation in giving their votes accordingly. How they understood the oath it is not for me to say. I remember that, upon one occasion, Mr. O'Connell explained that he did not mean to apply the oath to the revenues, but to the doctrine, discipline, and government of the Church, and that he did not wish to interfere with its doctrine, discipline, or government. In the first place, I know that this oath gives you no security against those who are disposed to vote away the revenues of the Established Church of Ireland. I remember further, that Lord Stanley, the present Earl of Derby, rose in his place at that time, I believe upon this side of the House, and read the terms of the oath to which I just adverted, together with a few words a little further on with respect to the Protestant religion, and asked whether Gentlemen who had taken that oath would vote for the Motion which was at that time before the House? I do say that it is a great evil, a great mischief, when a political question is before the House—a question whether a Church Establishment should have certain revenues or not—a question upon which Members of the House of Commons generally ought to be free to vote as their sense of the welfare of the country demands—that there should be a certain set of Members sitting in this House against whom a Member can get up and tell them that they cannot vote in a certain way on that question without violating their oath. You may say that the Roman Catholic Members have not asked for a change of this oath; but they may have considered that it was a compact at the time, and that they are bound not to ask for a change. I say, however, that, without any suggestion from them—without knowing whether they wish for an alteration of the oath—we, for the sake of our proceedings—for the sake of giving to every Member of this House that freedom which he ought to have—for the sake of not obliging any man to give a vote, which if it be one way, may lead to his being accused of the violation of a solemn oath, and if it be the other way, may occasion him to be accused by nearly the whole body of his constituents of deserting the interests of his country and betraying the trust which has been committed to him—I say that you ought not to put Members of this House in such a situation, but that you should, by the terms of your oath, leave every man to vote upon one political question as he would upon another. He ought to be free to vote upon questions of every kind—be it church rates, or be it any other question with regard to the Church Establishment—whatever his opinion may be, he ought to be able to give effect to that opinion as much as he could upon a question with respect to the malt tax or to Exchequer bonds.

Now, Sir, I am told that this was a solemn settlement made in the year 1829, and that it ought not to be disturbed. My right hon. Friend near me has answered that argument; but I certainly can bear witness, after about twenty-five years of discussion, when the country had been kept in agitation by the difficulty of settling this question—when one year there was a majority of five one way, and the next year, perhaps, a majority of ten the other—when the Cabinet had been for years divided upon the question—that we who had no concern in the Government at that time, but who were prepared to lend our aid to the settlement of a question which we had long thought stood in the way of the peace and tranquillity of Ireland, and of the rights of a great portion of our fellow-subjects—I say that I can bear witness that we were ready to lend our aid to anything which appeared to be a tolerable settlement of this question. I remember perfectly well, and my right hon. Friend the First Lord of the Admiralty (Sir J. Graham) remembers also, a meeting at Sir Francis Burdett's of some of the friends of the Roman Catholic question, where we discussed the merits of the proposed scheme and the objections to it, when we discussed the hardship of disfranchising the forty shilling freeholders, the injustice, when Roman Catholics were admitted, of excluding Mr. O'Connell, and the terms of the oath which we are now considering. The result of that meeting was, that we wished to support the Government in carrying that measure, but that there were some alterations which we were desirous to have made. Lord Althorp was the bearer of our wishes to Sir Robert Peel, and I remember perfectly well his saying that he was informed by Sir Robert Peel that the measure, as he had introduced it, was the best measure which he thought he should be able to carry, and that the success of that measure would be endangered if the friends of the Roman Catholics insisted upon any of those alterations. With that declaration we were content, and we supported Sir Robert Peel in all the divisions upon the subject without interposing Amendments; but, Sir, I do think that at the end of a quarter of a century it is allowable to take into consideration some of the terms of the oath then proposed, to consider whether there are not some of those terms which bring on unpleasant and harsh discussions between Members of this House, whether there are not other parts which are totally unnecessary, and some almost absurd in the oath which is taken by Members of Parliament. I own, Sir, I do not think that the terms of this oath are to be removed from the deliberation of Parliament. I think that it is a fair subject for deliberation, if we go into Committee, whether we should keep this oath as it stands, whether we should take the oath in the Bill, or whether any other terms should be adopted? But this I must say, that I do not think it expedient —I do not think it fair—to keep up as part of the oath a declaration which places men under the imputation of having violated their oath—if they vote one particular way upon political subjects.

Now, Sir, I come to the question which has been so much argued, and in which it is said that no alteration ought to be made —I mean the negative declaration—

> "that no foreign prince, person, prelate, State, or potentate hath or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm."

I have already alluded to the form in which I propose to alter that oath. I cannot think that the obligation to take that oath at all alters the law of this country, and the law of this country—the common law of this country—denies to any foreign prince or potentate jurisdiction or authority within this realm. If there are any persons against whom you wish to guard, it is the Roman Catholic body; but, with respect to them, you have parted with the security which you had. In the year 1829 that question was settled, so far as regards the Roman Catholics. With regard to Protestants you need no security; but even with regard to Protestants the question is not so perfectly clear and plain as the right hon. and learned Member for the University of Dublin (Mr. Napier), seems to think. The right hon. and learned Gentleman said that Lord Somers found that oath perfectly plain. I have no doubt that Lord Somers found it perfectly plain, because he understood it as excluding Roman Catholics, and when it was the law that Roman Catholics were excluded nothing could be easier than to take that oath, which denied that there was any jurisdiction or power on the part of Roman Catholics, the whole tendency of the law being to deny them any power or jurisdiction whatsoever. But, Sir, since that time very great changes have been made. What do you say to the law of 1791, which permits the performance of their religious functions by priests of the Roman Catholic community? Those priests receive their power from a bishop, and that bishop receives his jurisdiction with the consent of the Pope of Rome. The acts of that priest are acknowledged in performing the ceremony of marriage. Can you say that it is quite clear that there is no jurisdiction or authority whatever exercised by a foreign prince? You may say that it is not by the direct authority and consent of the law; but that there is no such thing, I think it is very difficult to aver. Let me remind the House of what occurred in the case of the Sussex peerage in the House of Lords. When the case of that peerage was before the House of Lords—before the learned Lord Lyndhurst and other law Lords—Dr. Wiseman was examined as to his functions and his knowledge with regard to the law of marriage in Rome. He said that he had considerable knowledge. They then asked how he obtained it; and he replied that he was a Judge acting under an authority given him by the Pope. He said, indeed, that his authority was entirely spiritual, but he stated that he separated persons whom he did not think to be lawfully married; that those persons, if they did not act upon his decision, were debarred from the use of the rites of the Church, and that therefore, under that apprehension, they remained separated. Thus, a very considerable civil consequence ensued. After he had given at some length his opinion upon matters of marriage, declaring that he went by the decrees of the Council of Trent, and that his decisions might be overthrown at Rome, the Lord Chancellor declared that he was a good witness, coming within the description of a person having his knowledge *virtute officii;* and Lord Langdale said that he was a witness of importance, engaged in the performance of important and responsible public duties, and that, connected with them, and in order to discharge them properly, he was bound to make himself acquainted with the subject of the law of marriage. Now, this person so declared by Lord Langdale in the House of Lords to be engaged in discharging important public duties, was a Roman Catholic priest, carrying into effect the decision of the Pope of Rome upon the important subject of marriage. Well, it is true that he has no temporal authority in this country, and that his decrees have no civil effect; but although we may say that he had no spiritual authority, I cannot think the matter so totally clear and manifest as some hon. Gentlemen have chosen to describe it. I think that now you have admitted Roman Catholics to this House, it is much better that you should insert in the oath words which we can all take, and with respect to which there should be no ambiguity. One hon. Gentleman has found fault with the words "temporal and civil," and has declared that he would rather have no such words in the oath relating to supremacy. I do not know that those words are essential to the oath; but I rather introduced them, because, being words taken by part of the Members of this House which were considered as one of the securities of the Act of 1829, I supposed that it might be thought desirable for security that Roman Catholics should continue to take them. Another hon. Gentleman has spoken of the obligation of persons who receive a benefice in this country to take the oath of supremacy, and has asked whether I would confine this Bill to Members of Parliament. Well, I was taunted one year by an hon. Gentleman because I confined my Bill to Members of Parliament; but I have no objection to confine it to Members of Parliament and to all persons holding office, because that would attain the object which I have in view. I believe that I have now gone through the different parts of the oath, and I have, therefore, only to say a very few words with respect to the general effect of the Bill, by which Jews will be admitted to seats in this House and to offices under the Crown. I have no new argument to use upon this subject; but it appears to me that the only argument which was ever used against this proposition is, that they differ widely and entirely from us on the subject of religion. If the principle which the House wishes to adopt is, that persons who differ from the majority in religious opinions should be excluded from this House, they will be quite right in maintaining the present exclusion; but if, as in the case of Roman Catholics, and as in the case of Protestant Dissenters, you admit that differences and varieties of religious opinion are not a bar to the performance of legislative and civil functions, I then say that the Jewish body are a body well affected to the Crown, good citizens of the State, and, if elected as Members of Parliament, as able to give you advice upon all matters that concern the State as any other subject of Her Majesty who might be elected to this House. I call upon you, then, in this respect, to remove one remaining bar, and the only bar which now exists. I call upon you the more to remove it, because you must all be sensible that it was the political influence of the Protestant Dissenters which enabled them to establish their claim to the abolition of the Test and Corporation Act, and that it was the formidable attitude of the Roman Catholics of Ireland which induced you to remove the disabilities which prevented them from sitting in this House or occupying office. If the Jews are equally trustworthy as subjects with any other part of the people of Her Majesty, I call upon you not to exercise an act of religious intolerance because they are few in number and have not the political influence of the Protestant Dissenters, or the formidable attitude which the Roman Catholics assumed in 1829. I call upon you to assent to this measure upon all the grounds of justice and religious liberty, and thus to provide an oath on the admission of Members to this House which shall be at once simple, without making odious distinctions between the members of different religions, and without the endeavour which has been made on the part of the opposers of this Bill to-night to brand a portion of our fellow-subjects as unable to take part in the legislation of this country.

Mr. DISRAELI: Sir, in rising at this late hour I have no intention to trespass at any length on the patience of the House, but I hope that they will be so indulgent as to feel that I may have some claim to be heard while I attempt to express the reasons for the vote I shall give to-night. We have before us, Sir, a Bill which is to substitute one oath for the various oaths that have hitherto been taken by us when we approach the table of this House. On this occasion a variety of issues have been placed before the House, which were never before mooted when the subject that is mainly in the mind of the noble Lord has been under our consideration. It has been said that there are three objects to be attained by this Bill. By the omission of certain words at the end of one oath, a Jew may be admitted into Parliament; by the alteration of another oath the views of the Romanising Protestants are to be advanced; and by the change and reconstruction of a third oath, the objects of the Roman Catholics themselves are to be promoted. The House will see, therefore, that we have to consider three issues, which are in themselves of a different nature. The noble Lord, Sir, has been taunted in the course of this debate with having undertaken the Jewish claims in consequence of an accidental political connection. Such a taunt, I am sure, the noble Lord will not hear from me. I know well that the noble Lord has, during a long and eminent career, consistently connected his name with the advocacy of the principle of religious liberty, and it was, I am sure, in deference to that principle that he felt it his duty to become the advocate of the Jewish claims to political emancipation. I have myself, on many occasions, supported—at least by my vote—the noble Lord in these efforts, though on the only occasion on which I ever presumed to offer my opinions to the House, I claimed for myself another ground for the course which I took, and another reason for sympathy in the object which both the noble Lord and myself wished to attain. I respect the principle of religious liberty, as every gentleman, no doubt, with more or less qualification does who sits in this House, but I cannot say that it was on the ground of the principle of religious liberty that, in obedience to an overwhelming conviction, I felt it my duty to advocate the political emancipation of those of Her Majesty's subjects who profess the Jewish religion. I have, Sir, always upheld that opinion because I believed that the Jewish race was that one to which the human family in general has been under the greatest obligation, and when I am told, as I have often been, and as I have heard to-night, that by admitting Jews into Parliament we are endangering the Christian character of this assembly and of the community, I must say it does appear to me that it is because we are a Christian assembly and a Christian community that the claim of the Jews to enjoy all civil and political privileges is irresistible. Sir, when I remember for how much we are indebted to that people, of what ineffable blessings they have been the human agents—when I remember that by their history, their poetry, their laws, our lives are instructed, solaced, and regulated—when I recall other considerations and memories more solemn and reverential, I confess that I cannot as a Christian oppose the claims of those to whom Christianity is under so great obligations.

If I look to modern history and the claims they have on the kindness of the House of Commons, it is my belief that if the Bible had not been translated and printed, there would not have been an English House of Commons at this moment; and I would remind the Members who represent Scottish constituencies how much the liberties of Scotland are indebted to the Jews, and that their freedom is owing to "the sword of the Lord and of Gideon." Remembering these circumstances, the claims of the Jews to political emancipation have not, in my mind, been met by any arguments that have yet reached me. But there is another reason why I particularly wish that the grant of these immunities, by which the English Jews will be put on a level with their fellow-subjects in every respect, should not be denied or delayed. I cannot conceal from myself that there is no country in which the Hebrew race has been persecuted which has not suffered, whose energies have not been withered, whose political power has not decayed, and where there have not been evident proofs that the Divine favour has been withdrawn from the land. The instances of Spain, and Portugal, and Italy are obvious. More northern ones may perhaps be mentioned. In England an accusation of this kind cannot be made with any justice. The Jews of this country have not long been settled here, and never were here in great numbers; yet at memorable periods of our history they have been treated by eminent statesmen with favour. The Lord Protector himself was a decided favourer of the Jews—he appreciated their character and position, and his religious feelings assisted him in that appreciation; but in more modern times, during the most aristocratic period of our Government, in the middle of the eighteenth century, under the administration of Mr. Pelham, measures were introduced and passed in favour of the Jews which I think did credit to the discrimination and genuine piety of that eminent statesman. I need not, therefore, say that the noble Lord, so far as regards his persisting in the course he has pursued for obtaining the political emancipation of the Jews, would have always found in me an humble but faithful supporter; and, I must say, that when I look at what has been the effect of the efforts already made in their behalf, I can see no ground why the noble Lord should complain of want of encouragement to his exertions. This question of the political emancipation of the Jews, though it may have been formally introduced to the notice of the House more than twenty years ago, has been really and seriously discussed in Parliament only within the last seven or eight years. And how has it been received? The noble Lord has succeeded on many occasions in carrying the question in this House by a decided majority, whilst in the other House the measure, if not carried, has at least been supported by large numbers and by men of great distinction and weight in the country. The Jewish claims have been received with much more favour than were those of the Roman Catholics; certainly the agitation in favour of the Roman Catholic claims at the end of seven years did not obtain the success achieved by the noble Lord in the much briefer time in which he has brought the claims of the Jews under the notice of Parliament.

If we for a moment leave the sphere of Parliament, and attempt to ascertain the temper of public opinion with regard to these claims and the general condition of the English Jews, I should say that the opinion of the public out of doors was even more favourable to them, and more progressive, than that of Parliament. No man can pretend that the present position of the Jews in England is for a moment to be compared with what it was twenty or even ten years ago. They are infinitely more considered, the prejudices of which they were the victims have rapidly and considerably diminished, the discussions and debates of Parliament and the efforts of literary men out of the House have thrown much light on a question, which was at first complicated and involved from the unhappy confusion which existed as to their general condition; and I think that it is no exaggeration to say that there never was a body of men, who have been subjected to prejudices and political disqualifications who have in so short a time inclined public opinion to their favour, or made such considerable advances to the ultimate object to which they wished to attain. Taking—and taking naturally—a deep interest in this question, I have ever felt confident that the course of time and of discussion, and the humanising influences of literary research and public debate, would bring opinion about in favour of the English Jews, remembering that they belong to a religious country deeply interested in their religious creed; and that, between the Jew and the Christian, there must be intimate relations of sympathy and pious sentiment. Feeling, then, that the question was advancing in a legitimate way, and approaching, as I thought, a satisfactory issue, I did lament that the noble Lord should have mixed it up with others which appeared to me greatly to embarrass it and impede the solution he had at heart, and which apparently so far as I can form an opinion, may postpone and throw back the accomplishment of the purpose he wished to achieve. We must remember that the race for whom the noble Lord is peculiarly interested is not a race which cannot afford to wait. They are not a new people who have just got into notice, and who, if you do not recognise their claims, may disappear. They are an ancient people, a famous people, an enduring people, and a people who in the end have generally attained their objects. I hope Parliament may endure for ever, and sometimes I think it will; but I cannot help remembering that the Jews have outlived Assyrian Kings, Egyptian Pharaohs, Roman Cæsars, and Arabian Caliphs, and, therefore, I think we need not precipitate their claims, to their ultimate prejudice, and against public feeling, but that we may freely leave them to their own course, sure that argument and fair discussion will facilitate and accomplish them.

But let us see what the noble Lord has done. Here is a Bill in which the word "Jew" never appears, in which a person not versed in our political tactics could not for a moment divine that the object of the noble Lord lay concealed in it. From the debate that has arisen to-night, we find that the noble Lord has made propositions which have excited great controversy and very acrimonious feeling. Why has the noble Lord prejudiced the Jewish claims, which, though objected to, were only objected to by a minority, and which were objected to on single and simple grounds, which we might meet by argument, and master by time—why has the noble Lord, I say, prejudiced those claims by mixing them with subjects that to the people of this country must appear of infinitely greater importance, and which involve us in the consideration of some of the most difficult political problems of the present day? I deeply regret that the noble Lord has taken that course. I am afraid that he has thrown back those claims. I cannot think the noble Lord with regard to these claims has ever taken a course of which I entirely approve; but I felt he had very great difficulties to deal with, and that it was not for me to cavil with him, considering the great purpose he had in view. I would rather that the noble Lord from the first had made a plain, straightforward appeal for the object which he wished to attain. I could not have expected that the noble Lord would have made that appeal on the grounds which would have influenced me in dealing with this question. But it would have been better if the noble Lord had, on the principle of religious liberty, which he represents, recommended the repeal of the Jewish disqualifications, than that he should have attempted that repeal by proposing the omission of a few words at the end of an oath. Now what are these words, "On the true faith of a Christian?" In my mind, additional odium has been created against the Jews by their cause being associated with this matter of the oaths, and by their introduction into this House being sought through the omission of the words in question. I do not see why the words "on the true faith of a Christian" should not be retained in our general Parliamentary oath. I can conceive no nobler words, nor words which a man coming to the table of this House to be sworn to the performance of his duty as a Member of this House could more appropriately use. Why was it necessary to effect the emancipation of the Jews by the omission of these words? On the contrary, if their emancipation had been sought on the broad principle of religious liberty, I think the case would have been much simplified, and would have been divested of much unnecessary prejudice that has been excited against it. I was glad to find the noble Lord speak with more reverence of an oath than has been the fashion of late in this House. Perhaps one ought not to be surprised at the feeling which would imply that an oath is less binding with us than it would have been with our ancestors, when we remember how much oaths have been multiplied for fiscal and other kindred purposes. But surely, Sir, the sanctity of an oath cannot be more properly invoked than at the time when a man comes forward in this House, and in the face of his Creator vows that he will do his duty to his country and his Sovereign. I hope to see the day arrive when, by the free will of Parliament, a Jew may take his seat in this House, and take it, not by the odious omission of the words "on the true faith of a Christian" from one general oath, but by the free declaration of a creed of which he ought on every account to be proud.

Having touched on this subject—the first issue raised by this Bill — I now approach the two important ones which are also raised by the peculiar plan which the noble Lord has adopted. The noble Lord—whether to attain his purpose with respect to the Jews, or for any other—has dealt with the whole subject of Parliamentary oaths. I must look for a moment to the nature of those oaths and to the circumstances and the period at which he proposes this startling change. With regard to the oath of supremacy, I would say with respect to this projected alteration, avoiding verbal criticism, that I do not think it prudent and statesmanlike at this moment to propose an alteration of that oath. It is very difficult to take up an ancient document of any kind, and subject it to the analysis of verbal criticisms, without making out a case that, if it were the oath which you had originally to frame, it would not be the form you would propose. But we must consider the associations of a country with political oaths. We should remember that the oath of supremacy in its present form does not merely denote that which its expressions may legally and strictly import, but is associated in the minds of the people of this country with one of those great political facts which they look upon as among the fundamental elements of their political constitution; and the very fact that Parliament is altering the oath of supremacy when there has been no necessity to moot the point whatever is, in my mind, an indiscreet and an imprudent act. Unquestionably, it will be associated everywhere with a limited though influential class of the community who have particularly directed their efforts against the oath of supremacy. I have no particular sympathy with those individuals, but I can conceive nothing more unwise at the present moment, even for their sakes, than to revive those dissensions that happily seem somewhat mitigated and allayed. But all the objections that have been taken to this projected alteration of the oath of supremacy sink into insignificance when compared with the objection which I have to the alteration of what is called the Roman Catholic oath. I object, Sir, to that alteration, in the first place, because it appears to me that no course could be pursued by a Minister at this moment more calculated to aggravate animosity, or more calculated to revive and strengthen those politico-religious dissensions which have been too prevalent in this country, than the course which the noble Lord has recommended to-night. But, Sir, there are other considerations of a graver nature connected with the alteration of the Roman Catholic oath. It is but three or four years ago that, on one of the most solemn occasions of the meeting of the British Parliament, the noble Lord (Lord John Russell), the Prime Minister of this country, came down, and informed the most crowded House that I ever recollect within these walls, that it was his opinion that there existed, and had existed for some time, a vast conspiracy on the part of the Papacy against Protestantism in general and this country in particular. [Lord JOHN RUSSELL: Hear, hear!] The noble Lord says, "Hear, hear," and nods assent, because, of course, he would not have made a declaration of that kind without due and deep consideration. It must have been no common information, obtained by no common means, and from no limited circle, that could have induced an English Minister to have made such a declaration. Do you believe, Sir, that the Roman Papacy is a Power that commences great conspiracies and gives them up? What right have we to believe that that great Power has renounced the object which the noble Lord, in his duty to his Sovereign and to his country, informed her Parliament that her watchful Minister had discovered and denounced? Do you think that the Papacy is a Power as changeable in its opinions or its policy as an English Minister? That was the most important political declaration that has been made for many years, and nothing that the noble Lord has done or said since, or can do or say, can remove the impression of that declaration, not only throughout this country, but throughout Europe.

And what, Sir, is happening at the present moment? Are not the events of the present moment such as justify the opinion of the noble Lord which he communicated to Parliament three or four years ago? Has the Papacy changed its tactics or become decrepit? Has it renounced its ancient and energetic ambition? Look at the present position of Sardinia! We find there the ambition and the ability of the feudal ages, and the Papacy exercising an authority, before which every influence of the State seems to bow. Sir, this is not the time when you should publicly intimate that you are ready to relax the securities you already possess, and weaken the bulwarks of the religion we profess to venerate and are sworn to protect. The noble Lord takes the Roman Catholic oath and analyses it, like an historical grammarian. He says, "Here is a reference to historical personages that are defunct; and here another passage which is quite ungentlemanlike, and which my Lord Halifax, who was a wit, scoffed at as idle and unnecessary." But I do not think that wits are the best judges of oaths; and with due deference to Lord Halifax, who was a most charming and brilliant personage, I do not think he was a statesman peculiarly adapted to the present age. We must look upon this question in a graver manner. Here is an English Minister proposing to Parliament to relax and renounce those securities which Sir Robert Peel and the Duke of Wellington devised at the time of the Roman Catholic emancipation in 1829. What do the noble Lord and his Colleagues think will be the effect of the news when it reaches the Vatican? They will say, "This is another great surrender, another great movement of this mysterious Oxford party. It is quite clear," they will say, because they will not examine the question like grammarians or critics, "that the British Parliament has relinquished its Protestant securities." But this policy would be attended with another effect. By adopting this course, you are not only exciting, and falsely exciting, the passions and prospects of Rome, but you are inflaming the Protestant fears of your own fellow-subjects. You are creating as much alarm in England as anticipatory triumph at Rome, and while you are making the Papacy believe that it has increased advantages for renewed assaults, you are causing between the Roman Catholics and Protestants of Great Britain feelings of disgust and dislike by the very course which you are pursuing to conciliate and blend them in unison. The House may believe them to be only phrases of debate, when I declare that I never took a course which gave me more pain than that which I take on this occasion, and which I feel it my duty to take; but I can assure the House that I never spoke with more sincerity or with so much pain on any subject. Disagreeing on general principles with the noble Lord, I might have left the House; I might have said, "I am in favour of the political emancipation of the Jews, and indirectly this Bill may effect that object, and I am justified so far in supporting it; while, on the other hand, I think, both for the sake of my Roman

Catholic as for my Protestant fellow-subjects, nothing can be more unwise than the general course which the Government are taking with respect to oaths;" and as I could not support the Bill, I might have absented myself from the House. But I have felt it my duty to be present, and, with the kind indulgence of the House, very imperfectly, at this late hour, to express my general views on the question. If the noble Lord will retrace his steps, and go on with a subject which I thought he had near his heart, I shall follow the course which I have uniformly taken, and give the noble Lord my earnest support. The noble Lord has on previous occasions taunted me with being silent in debate when the question has been before the House; but as my feelings were peculiar on the subject, I had no wish to obtrude them upon the House. I have never been false to the principle involved. Not merely in this House, but by other modes, even at great sacrifices, I have endeavoured to advance that which I believed to be a sacred cause. I trust the House will not set down to egotism these expressions, but as there have been unfair insinuations of attempted influence on my conduct in respect to this subject at various times by those political friends with whom it is my happiness to act, I may be permitted to add, Sir, that at no time, and under no circumstances, has a single word ever escaped from any Gentleman near me which would tend to control or influence my conduct in that respect. They knew from the first, and all must have known it who would have condescended to inquire into my opinions, how profound and fervent were my convictions on this great question. They knew that at all sacrifices I would uphold that cause, and though I deeply regret the course which the noble Lord has taken—though I believe it to be one in which he will not only increase the difficulty with which the Jews have to contend, but will create in this country between considerable classes of Her Majesty's subjects misunderstandings which at a time like the present should have certainly been avoided—still it is my conviction, as certain as I am now addressing you, Sir, that the time will come when the Jews will receive in this country full and complete emancipation. The noble Lord believes they will receive it, because he has confidence in the principle of religious liberty. I, too, Sir, respect that principle, but, so far as the Jews are concerned, I have faith in that Almighty Being who has never deserted them.

Mr. MUNTZ said, that he should vote against the Motion for the second reading of the Bill, although he had uniformly voted with the noble Lord in his attempts to remove the disabilities from the Jews, and would be always ready to do so whenever it was attempted in a straightforward manner. If the noble Lord would bring in a Bill to admit the Jews, and frame such an oath for them as should be binding on their conscience, he should have his most cordial support, but he could not subscribe to a measure which, like the present, proposed to alter the oaths agreed to at the settlement of 1829, and to break the compact then entered into, which was considered satisfactory by all parties.

Mr. GOULBURN said, that he was the only Member in the House who was a Member of the Duke of Wellington's Cabinet in 1829, and who was a party with the late Duke in framing the oath which now stood in the Roman Catholic Relief Bill. When the measure was proposed by the noble Duke, it was more ample and freer from restrictions than any which the friends of the Roman Catholics had previously proposed to the House, and all the restrictions previously sanctioned by Plunket and Grattan were studiously omitted from the Bill, the Duke of Wellington being willing—relying upon the good faith and honour of the Roman Catholics—to waive all objections felt to their entering the House, so long as they swore to the form of oath then proposed. From that time to the present, he had, in common with the late Sir Robert Peel, and with all the Members of the Wellington Cabinet, distinctly refused to concur in any measure which should interfere with that great compact which was then entered into. He warned the House, and above all his fellow-countrymen of the Roman Catholic persuasion, to beware how they lent their efforts to the introduction of the first step towards the violation of the compact then entered into. Such a course would, he thought, tend to inflame the passions of the people, and possibly endanger the substantial provisions of that Bill of 1829 which had been found to be so beneficial to the country at large, and produce such an amount of religious discord throughout the country as it would be vain to attempt to repress. Upon these grounds, although his opinion with regard to the emancipation of the Jews remained the same, he could not reconcile it to himself to vote for the Bill as it now stood.

Question put; the House *divided:*—Ayes 247; Noes 251: Majority 4.

List of the AYES.

Adair, H. E.
Alcock, T.
Anderson, Sir J.
Atherton, W.
Bagshaw, J.
Bailey, C.
Baines, rt. hon. M. T.
Baring, H. B.
Barnes, T.
Bass, M. T.
Beamish, F. B.
Bell, J.
Bellew, T. A.
Berkeley, Adm.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Bethell, Sir R.
Blackett, J. F. B.
Blake, M. J.
Bland, L. H.
Bonham-Carter, J.
Bouverie, hon. E. P.
Bowyer, G.
Boyle, hon. Col.
Brady, J.
Brand, hon. H.
Bright, J.
Brocklehurst, J.
Brotherton, J.
Brown, H.
Bruce, Lord E.
Bruce, H. A.
Burke, Sir T. J.
Byng, hon. G. H. C.
Cardwell, rt. hon. E.
Cavendish, hon. C. C.
Cavendish, hon. G.
Cheetham, J.
Clay, Sir W.
Clifford, H. M.
Clinton, Lord R.
Cobden, R.
Cockburn, Sir A. J. E.
Coffin, W.
Cogan, W. H. F.
Corbally, M. E.
Cowper, hon. W. F.
Craufurd, E. H. J.
Crook, J.
Crossley, F.
Currie, R.
Dalrymple, Visct.
Dashwood, Sir G. H.
Davie, Sir H. R. F.
Denison, J. E.
Dent, J. D.
Divett, E.
Duff, G. S.
Duff, J.
Duke, Sir J.
Duncombe, T.
Elcho, Lord
Ellice, rt. hon. E.
Ellice, E.
Elliot, hon. J. E.
Ewart, W.
Fagan, W.
Feilden, M. J.
Fergus, J.
Ferguson, Sir R.
FitzGerald, Sir J.
Fitzgerald, J. D.
Fitzroy, hon. H.
Foley, J. H. H.
Forster, C.
Forster, J.
Fortescue, C. S.
Fox, R. M.
Fox, W. J.
Freestun, Col.
Gardner, R.
Geach, C.
Gibson, rt. hon. T. M.
Gladstone, rt. hon. W.
Glyn, G. C.
Goderich, Visct.
Goodman, Sir G.
Gower, hon. F. L.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Greene, J.
Gregson, S.
Grenfell, C. W.
Greville, Col. F.
Grey, rt. hon. Sir G.
Grey, R. W.
Hadfield, G.
Hall, Sir B.
Hankey, T.
Hanmer, Sir J.
Harcourt, G. G.
Hastie, Alex.
Headlam, T. E.
Heard, J. I.
Heathcote, J.
Henchy, D. O.
Heneage, G. F.
Herbert, H. A.
Herbert, rt. hon. S.
Heywood, J.
Heyworth, L.
Higgins, G. G. O.
Hindley, C.
Hogg, Sir J. W.
Horsman, E.
Howard, hon. C. W. G.
Howard, Lord E.
Hutchins, E. J.
Hutt, W.
Ingham, R.
Jackson, W.
Jermyn, Earl
Johnstone, Sir J.
Keating, R.
Kennedy, T.
Keogh, W.
Kershaw, J.
King, hon. P. J. L.
Kirk, W.
Labouchere, rt. hon. H.
Laing, S.
Langston, J. H.
Lawley, hon. F. C.
Layard, A. H.
Lee, W.
Lewis, rt. hon. Sir T. F.
Lindsay, W. S.
Locke, J.
Lowe, R.
Lucas, F.
Luce, T.
M'Cann, J.
M'Taggart, Sir J.
Maguire, J. F.
Mangles, R. D.
Marjoribanks, D. C.
Marshall, W.
Martin, J.
Massey, W. N.
Matheson, A.
Miall, E.
Milligan, R.
Milner, W. M. E.
Milnes, R. M.
Michell, W.
Mitchell, T. A.
Moffatt, G.
Molesworth, rt. hn. Sir W.
Monck, Visct.
Moncreiff, J.
Monsell, W.
Mostyn, hon. T. E. M. L.
Mure, Col.
Newport, Visct.
Norreys, Lord
North, F.
O'Brien, C.
O'Connell, D.
O'Connell, J.
O'Flaherty, A.
Osborne, R.
Otway, A. J.
Paget, Lord A.
Paget, Lord G.
Palmer, Round.
Palmerston, Visct.
Pechell, Sir G. B.
Peel, F.
Pellatt, A.
Perry, Sir T. E.
Phillimore, J. G.
Phillimore, R. J.
Phinn, T.
Pilkington, J.
Pollard-Urquhart, W.
Ponsonby, hon. A. G. J.
Portman, hon. W. H. B.
Potter, R.
Price, Sir R.
Price, W. P.
Ramsden, Sir J. W.
Ricardo, J. L.
Ricardo, O.
Rice, E. R.
Rich, H.
Richardson, J. J.
Robartes, T. J. A.
Roebuck, J. A.
Russell, Lord J.
Russell, F. C. H.
Russell, F. W.
Sadleir, Jas.
Sadleir, John
Scully, V.
Seymour, Lord
Seymour, H. D.
Seymour, W. D.
Shafto, R. D.
Shee, W.
Shelburne, Earl of
Shelley, Sir J. V.
Sheridan, R. B.
Smith, J. A.
Smith, J. B.
Smith, M. T.
Smith, rt. hon. R. V.
Stafford, Marq. of
Stanley, hon. W. O.
Strutt, rt. hon. E.
Stuart, Lord D.
Sutton, J. H. M.
Swift, R.
Tancred, H. W.
Thicknesse, R. A.
Thompson, G.
Thornely, T.
Townshend, Capt.
Traill, G.
Uxbridge, Earl of
Vane, Lord H.
Vernon, G. E. H.
Vivian, J. H.
Walmsley, Sir J.
Warner, E.
Waterpark, Lord
Watkins, Col. L.
Wells, W.
Whitbread, S.
Wickham, H. W.
Wilkinson, W. A.
Willcox, B. M.
Williams, W.
Wilson, J.
Winnington, Sir T. E.
Wood, rt. hon. Sir C.
Wyvill, M.
Young, rt. hon. Sir J.

TELLERS.

Hayter, rt. hon. W. G.
Mulgrave, Earl of

List of the NOES.

Adderley, C. B.
Alexander, J.
Arbuthnott, hon. Gen.
Archdall, Capt. M.
Arkwright, G.
Bailey, Sir J.
Baldock, E. H.
Bankes, rt. hon. G.
Barrington, Visct.
Barrow, W. H.
Bateson, T.
Beach, Sir M. H. H.
Beckett, W.
Bective, Earl of
Bennet, P.
Bentinck, Lord H.
Bentinck, G. W. P.
Beresford, rt. hon. W.
Bernard, Visct.
Blair, Col.
Blandford, Marq. of
Boldero, Col.
Booker, T. W.
Booth, Sir R. G.

Bramston, T. W.
Brooke, Sir A. B.
Bruce, C. L. C.
Buck, L. W.
Buller, Sir J. Y.
Bunbury, W. B. M.
Burghley, Lord
Burroughes, H. N.
Butt, G. M.
Butt, I.
Cabbell, B. B.
Cairns, H. M.
Campbell, Sir A. I.
Carnac, Sir J. R.
Cayley, E. S.
Cecil, Lord R.
Chambers, M.
Chambers, T.
Chaplin, W. J.
Chelsea, Visct.
Child, S.
Christopher, rt.hn.R.A.
Christy, S.
Clinton, Lord C. P.
Clive, R.
Cocks, T. S.
Codrington, Sir W.
Coles, H. B.
Colvile, C. R.
Compton, H. C.
Conolly, T.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Cowan, C.
Dalkeith, Earl of
Davies, D. A. S.
Davison, R.
Deedes, W.
Dering, Sir E.
Disraeli, rt. hon. B.
Drummond, H.
Duckworth, Sir J. T. B.
Duncan, G.
Duncombe, hon. A.
Duncombe, hon. O.
Duncombe, hon. W. E.
Dundas, G.
Dunlop, A. M.
Dunne, Col.
Du Pre, C. G.
East, Sir J. B.
Egerton, W. T.
Egerton, E. C.
Elmley, Visct.
Emlyn, Visct.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Ferguson, J.
Filmer, Sir E.
Fitzgerald, W. R. S.
Follett, B. S.
Forbes, W.
Forester, rt. hon. Col.
Forster, Sir G.
Franklyn, G. W.
Frewen, C. H.
Galway, Visct.
Gaskell, J. M.
George, J.
Gilpin, Col.
Gladstone, Capt.
Goddard, A. L.
Gore, W. O.
Goulburn, rt. hon. H.
Graham, Lord M. W.
Granby, Marq. of
Greaves, E.
Greenall, G.
Greene, T.
Grogan, E.
Gwyn, H.
Hale, R. B.
Halford, Sir H.
Hamilton, G. A.
Hamilton, J. H.
Hanbury, hon. C. S. B.
Harcourt, Col.
Hastie, Arch.
Hawkins, W. W.
Hayes, Sir E.
Heathcote, Sir W.
Heneage, G. H. W.
Henley, rt. hon. J. W.
Herbert, Sir T.
Hill, Lord A. E.
Horsfall, T. B.
Hotham, Lord
Hudson, G.
Hughes, W. B.
Hume, W. F.
Irton, S.
Jones, Capt.
Jones, D.
Kelly, Sir F.
King, J. K.
Kinnaird, hon. A. F.
Knatchbull, W. F.
Knightley, R.
Knox, Col.
Knox, hon. W. S.
Lacon, Sir E.
Langton, W. G.
Langton, H. G.
Laslett, W.
Legh, G. C.
Lennox, Lord A. F.
Lennox, Lord H. G.
Leslie, C. P.
Liddell, H. G.
Liddell, hon. H. T.
Lindsay, hon. Col.
Lisburne, Earl of
Lockhart, A. E.
Lockhart, W.
Long, W.
Lowther, Capt.
Lytton, Sir G. E. L. B.
Macartney, G.
Mackie, J.
MacGregor, Jas.
Maddock, Sir H.
Malins, R.
Mandeville, Visct.
Manners, Lord G.
March, Earl of
Masterman, J.
Maunsell, T. P.
Meux, Sir H.
Miles, W.
Montgomery, H. L.
Montgomery, Sir G.
Moody, C. A.
Morgan, O.
Morris, D.
Mowbray, J. R.
Mullings, J. R.
Mundy, W.
Muntz, G. F.
Naas, Lord
Napier, rt. hon. J.
Neeld, John
Neeld, Jos.
Newark, Visct.
Newdegate, C. N.
Noel, hon. G. J.
North, Col.
Oakes, J. H. P.
Ossulston, Lord
Packe, C. W.
Pakington, rt. hn. Sir J.
Palk, L.
Palmer, Rob.
Parker, R. T.
Patten, J. W.
Peel, Col.
Pennant, hon. Col.
Percy, hon. J. W.
Philipps, J. H.
Pigott, F.
Portal, M.
Powlett, Lord W.
Pritchard, J.
Pugh, D.
Repton, G. W. J.
Robertson, P. F.
Rolt, P.
Sandars, G.
Sawle, C. B. G.
Scobell, Capt.
Scott, hon. F.
Seymer, H. K.
Smijth, Sir W.
Smith, W. M.
Smith, A.
Smollett, A.
Somerset, Capt.
Sotheron, T. H. S.
Stafford, A.
Stanhope, J. B.
Starkie, Le G. N.
Stephenson, R.
Stirling, W.
Stuart, H.
Sturt, H. G.
Taylor, Col.
Tollemache, J.
Trollope, rt. hon. Sir J.
Tudway, R. C.
Tyler, Sir G.
Vance, J.
Vane, Lord A.
Vansittart, G. H.
Villiers, hon. F.
Vivian, J. E.
Vivian, H. H.
Vyvyan, Sir R. R.
Vyse, Col.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Walsh, Sir J. B.
Welby, Sir G. E.
Whiteside, J.
Whitmore, H.
Wigram, L. T.
Williams, T. P.
Willoughby, Sir H.
Wise, A.
Wodehouse, E.
Woodd, B. T.
Wyndham, Gen.
Wyndham, H.
Wynn, Major H. W. W.
Wynn, Sir W. W.
Wynne, W. W. E.
Yorke, hon. E. T.

TELLERS.

Thesiger, Sir F.
Jolliffe, Sir W. G. H.

Words *added*; Main Question, as amended, put, and *agreed to*; Bill *put off* for six months.

The House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Friday, May 26, 1854.

MINUTES.] *Sat First in Parliament.*—The Earl Vane, after the death of his Father, by virtue of the Limitation in the Letters Patent, dated 8th July, 1823.

PUBLIC BILLS.—1^{a} Prisoners Removal.

2^{a} Dublin Port.

Reported.—Manning the Navy; Navy Pay, &c.

3^{a} and *passed.*—Law of Landlord and Tenant (Ireland); Powers of Leasing (Ireland); Church Building Acts Amendment.

THE WAR WITH RUSSIA—

TREATY BETWEEN AUSTRIA AND PRUSSIA—QUESTION.

THE MARQUESS OF CLANRICARDE said, their Lordships were aware that there had appeared in the newspapers a somewhat mysterious document, which purported to be a treaty signed between Austria and Prussia relating to the war in which this country was unfortunately engaged. He was not about to canvas the provisions of that ambiguous document at that moment, but he wished to ask his noble Friend the Secretary for Foreign Affairs whether he would lay a copy of that paper on the table of the House, accompanied, as he hoped it would be, with such despatches as might have been written to or received from Her Majesty's diplomatic agents abroad, in order to enable their Lordships to interpret the paper correctly, and to show the views by which the document was regarded by this and by other Governments. It appeared to him that there was much doubt and difficulty as to the real purport and bearing of the alliance said to have been entered into. It appeared to him that the paper had as much direction in the way of defence against the Western Powers as it had against Russia. It was true the treaty contained an article which specified certain contingencies in the event of any of which Austria and Prussia were prepared to enter into hostilities against Russia; but those contingencies were now of such an absurd nature that it appeared ridiculous to put them into a serious and important State document. Those contingencies were, that in case the Russian army should cross the Balkan, or should continue to occupy the Danubian Principalities for an indefinite period of time, or should attempt the annexation of those Principalities to Russia—in the event of any of those contingencies taking place, then Austria and Prussia would be prepared to take up arms to resist any such acts. The first of those contingencies appeared to him to be perfectly absurd, inasmuch as it could scarcely come to pass that the Russian army would be able to cross the Balkan. They might as well talk of their crossing the Alps or the Apennines, inasmuch as, being only yet opposed to the Turks, they had not been able to make the least approach to the accomplishment of such an advance. The other contingencies appeared to him to be equally absurd, and they none of them pointed out or explained the real *animus* of the treaty. But it was rumoured that a protocol had been lately signed at Vienna by the representatives of the Four Powers, and it was possible that that document might be of a more important character than the protocols which had preceded it. Judging, however, from the terms in which it was described it appeared to be little more than a repetition of an abstract proposition, which had been made before, and he had almost said of an abstract truism, with respect to the nature of the contest in which this country was engaged; but it did not pledge any party to it, nor did it insure any effective co-operation on the part of Austria and Prussia with France and England in that contest. He would ask his noble Friend to lay that Protocol also on the table of the House, accompanied, as he hoped it would be, with despatches on the subject; because, if they were to have any information at all, he thought it important that their Lordships should have the fullest that could be given with respect to these matters. What had already appeared in the published papers was little calculated to afford information on the events now passing, as the last despatch laid before Parliament was of the date of March 6, from Vienna. There was another very important subject on which he wished to say a few words. He hoped the noble Earl would inform the House when he would be able to lay upon the table those papers which he believed had been promised to be produced in the other House of Parliament—he meant with respect to our relations with Greece. He believed it was a matter of notoriety—at least, it was very currently reported in the streets of Paris and of London—that an expedition had sailed both from this country and France for the purpose of occupying the Greek territories. Such an occupation by France and England, whether separately or conjointly, appeared to him to be a matter of grave consideration; but he did not intend to enter into it at the present moment; at the same time it was so grave and delicate a subject that it deserved the fullest consideration of Parliament. He hoped his noble Friend would be able to state that it would soon be in his power to explain what were the objects of that expedition, and whether or not those objects were defined and recorded in some official document. He for one should rejoice that such an expedition had taken place. There was yet another point which had an important bearing on the conduct of the war, if it were fact. It had been reported in the newspapers that Russia had concluded a treaty with Persia and other Eastern Powers. If the rumour was true, he apprehended Her Majesty's Government must have had some information upon the subject from our diplomatic agent at the Court of Teheran. The last time he had occasion to notice the case of Persia, it appeared that our diplomatic agent stationed at the Court of Teheran was absent, and that his post was filled by a subordinate officer attached to the embassy. He thought it was of the highest importance that a person of experience, character, and intelligence should, at this moment particularly, be in that part of the world, because the relations of Russia with those Eastern Powers were matter of most serious consideration. He should be glad, therefore, if his noble Friend could tell the House whether he had reason to believe that there was any truth in the report that Russia had entered into a treaty with Persia?

The Earl of CLARENDON: In answer to the first question of my noble Friend, respecting the convention that has been lately concluded between Austria and Prussia, I have only to say that the negotiations which were carried on during a considerable length of time between those two Powers were kept a profound secret from this and other Governments, and the treaty was only communicated to us confidentially after the ratifications had been exchanged. That treaty has since been communicated to the Conference at Vienna, at the same time that the convention entered into between Her Majesty's Government and the Government of the Emperor of the French and the Ottoman Porte was communicated to the Conference. That communication took place on the 23rd of this month, and a protocol annexing the two conventions together was signed on the same day. That protocol has not yet been received in this country, but as soon as it is it shall be laid on your Lordships' table. With respect to Greece, I am prepared to lay before the House the fullest information we can give on the subject, and I am only sorry that the extreme pressure of business in the Foreign Office has prevented me from sooner laying those papers before your Lordships. They are very voluminous, and it is the desire of Her Majesty's Government that they should be quite complete. I hope in the course of three or four days—certainly in the course of next week—they will be produced; and I think your Lordships will then see that there have been ample grounds for that measure of coercion which has been reluctantly adopted towards Greece by Her Majesty's Government, in concert with the Government of France—certainly not before it was called for. With respect to Persia, I would, in the first place, say that Colonel Sheil has not been withdrawn from the Court of Teheran, but that he is absent for the recovery of his health. But Her Majesty's representative in Persia, during his absence, Mr. Thomson, our Chargé d'Affaires at the Persian Court, is a person of great experience, and of great zeal and intelligence, and we have every reason to be satisfied with the manner in which he has conducted the affairs of Her Majesty's Government there during the unavoidable absence of Colonel Sheil. I have no reason to believe, from the intelligence which we have received either from Persia or from India, that such a treaty as that to which my noble Friend has alluded, or which has been mentioned in the papers, has been concluded between Russia and Persia. The last engagement we know of as having been entered into by Persia was a declaration of neutrality—a neutrality based on the ground of a determination by Persia not to vex or harass Turkey in her war with Russia; and for that purpose Persia has suspended all claims, some of them most just, which she has on Turkey. We have heard that the Russians have advanced to a small place on the Sirr, but we have no reason to believe that any treaty has been concluded between the Czar and Persia, or between him and the Government of Bokhara and Khiva.

UNIVERSITY OF CAMBRIDGE.

Lord LYNDHURST *presented* a petition from the chancellor, masters, and scholars of the University of Cambridge, that the two canonries in the Cathedral of Ely, mentioned in the 3rd and 4th of Victoria, cap. 113, may be permanently annexed to two professorships of divinity in the said University, and said that it was a subject which well deserved the serious consideration of their Lordships. He could not do better than call their Lordships' attention to the Report of the Commissioners on the Cambridge University. In that Report the Commissioners stated the present inadequate provision of professorships—

> "There are only three Professors of Divinity in the University, a number which is altogether inadequate either to teach or to represent this most important department of human knowledge. Of this number the first in our list is much occupied with various extraneous duties, and the efficiency of the third is diminished by the condition of his

deed of foundation, which requires him to interpolate readings with his lectures."

They then stated the consequences of this inadequacy—

"It is almost a necessary consequence of these defective arrangements, as well as of the want of a sufficient lecturing force, that no proper school for professional instruction in theology has been hitherto formed in the University."

They then suggested the remedy for these evils—

"There appears to be only one method by which evils of this nature could be effectually guarded against, which is, to increase considerably the number of theological teachers, and to give them such a share in conducting examinations as would secure a just influence to their teaching."

But it appeared that the University had no funds by which to support these new professorships and teachers. There happened, however, to be two vacancies at this moment in the canonries of the Cathedral of Ely, and the object of the petitioners was, that the revenues of those canonries should be appropriated to the foundation of two theological professorships in the University of Cambridge. The Commissioners strongly recommended the appointment of additional theological teachers. They stated—

"The critical exposition of the New Testament and the wide province of ecclesiastical history, which are not at present undertaken by any of the three existing professors, would alone require the addition of two new theological chairs. . . . We are satisfied that the best interests of the Church are closely allied with those of the University in effecting an adequate augmentation of the staff of teachers in theology. If the permanent residence of a body of learned theologians could be secured, whether engaged in the prosecution of their own studies or directing and encouraging the studies of the great body of young men who are preparing for the Church, there would be no place where professional theological education could be more effectually carried on, or where students would be less liable to that danger of having peculiar and somewhat personal views impressed upon them, to which those who resort to smaller theological institutions are sometimes exposed. The University would thus in reality become the nursing mother of the Church."

Such was the recommendation of the Commissioners, and the petition of the University was founded entirely on that recommendation. He would avail himself of the present opportunity of calling the attention of the noble Earl to a Motion adopted in the other House of Parliament in respect to the constitution of the governing and legislative body of the University of Oxford. The vote of the other House had sanctioned the principle which upwards of a year ago was adopted by the Cambridge University as the foundation of the constitution of their governing and legislative body. This had been approved of in the strongest manner by the Commissioners to whom he had referred. The Commissioners stated in their Report—

"We cannot hesitate to express our pleasure to find such a proposal emanating from the University itself. It has evidently been framed with careful deliberation, and with an especial view as well to preserve a balance of power among the several colleges as also to prevent the excitements and rivalries of a more popular and unlimited mode of appointment. The suggested scheme has received the unanimous approval of the Syndicate; and we hope it may in due time receive the sanction of the Senate."

It had since received the unanimous approval of the Senate; and he hoped that this circumstance, together with the various reforms which had taken place in Cambridge, and which were still being carried on, would lead the noble Earl and the Government to be of opinion that it would be better to place in the hands of the University the power of making reforms rather than to hand the University over to any extraneous body—adding only such powers, legislative or otherwise, as might be best adapted to enable them to carry those reforms into effect. His noble Friend (the Earl of Aberdeen) had told them that no Bill relating to the University was in contemplation; and he hoped to find that the more the subject was considered, the more his noble Friend and the Government would be convinced of the prudence and propriety of the course he recommended.

THE EARL OF ABERDEEN said, he did not know that it was necessary for him at present to give any definite answer to the prayer of the petition presented by the noble and learned Lord. He was far from denying that the object of the petition was most important and desirable; but, at the same time, he must observe that the purpose for which these canonries had been suppressed would not altogether be accomplished by the proposal of the petitioners. The endowment of theological professorships might, no doubt, be of great use, but that was not the direct object for which the Ecclesiastical Commissioners were empowered to employ the revenues of the canonries. He did not mean to say anything against the establishment of such professorships, but it might be a question whether the augmentation of poor livings and the accomplishment of other purposes under the management of the Ecclesiastical Commissioners would not outweigh the advantages to be derived from the professorships. He must say that the appropriation of the two canonries already suspended and applied to professorships at Cambridge had not been altogether such as to contribute greatly to the progress of theological learning, inasmuch as one was appropriated to the professorship of Hebrew, and the other to the professorship of Greek, the most eminent professor of Greek they had ever known having been a layman. Of course, the object which the noble and learned Lord would have in view would be one directly tending to the increase and improvement of theological learning in the University, and the subject, recommended as it was in the Report, to which the noble and learned Lord had referred, very well deserved the attention of Parliament. Without giving any positive declaration on the point that evening, he assured the noble and learned Lord that the recommendations of the Commissioners, supported as they were by the noble and learned Lord and by the University, should receive the best attention.

Petition ordered to lie on the table.

RAILWAY AND CANAL TRAFFIC REGULATION BILL.

Order of the Day for the House to be put into Committee, read.

Lord STANLEY of ALDERLEY, in consequence of the absence of the Lord Chief Justice, *moved*, That the House be put into Committee on the said Bill on Tuesday next.

Lord LYNDHURST recommended that the Bill should be referred to a Select Committee.

Lord STANLEY of ALDERLEY said, that the proper time for discussing that question was not upon a mere Motion for postponing the Bill.

Earl GREY thought it would be greatly to the advantage of the House to send the Bill to a Select Committee. The more he looked at the measure the more he was satisfied that it was imperfect, and would require more detailed consideration than it was likely to receive in a Committee of the whole House. He called it imperfect, because some of the most important topics connected with railway management had been deliberately excluded from it by the Government, and the House was totally ignorant of the intentions of the Government in regard to them. The subject of accidents was intimately mixed up with the general management of railways, yet that had been entirely omitted from the Bill. It was impossible, in fact, to consider any one question satisfactorily without having before them the whole scheme. So, also, with regard to the Post Office arrangements. On both these points the House ought to know what the intentions of the Government were before they proceeded to dispose of the present Bill. But that was not all. He thought the Bill was defective also in not providing all that was necesary for the security and convenience of the public, and in not making arrangements on other points, in regard to which railways were greatly interested. He should be sorry to be supposed as speaking in a spirit hostile to railways. On the contrary, he was persuaded that the well-understood interests of railway companies and the public were the same. He complained particularly of the Bill, because it did nothing relative to the great question of amalgamation. When his noble Friend moved the second reading on a former evening, he did not disclose anything of the intentions of the Government upon that subject. Originally, hopes were held out, in the place of amalgamation, of some arrangement for giving railways certain districts for specified periods. In this matter railway companies had been hardly dealt with. Both during this and the last Session a great variety of amalgamation Bills had been brought forward by railway companies, but had all been either indefinitely postponed or rejected, on the ground that the whole question would be considered by the Government. He was of opinion that railway amalgamation, with due security for the public, would be very useful. It was quite clear that two railways could, by an united management, carry on their business with greater economy and efficiency than they could do with separate staffs and establishments. He thought that a certain amount of amalgamation was required; but care should be taken that in every instance advantage accrued to the public, and that due security was given against the abuse of the increased power obtained by companies. It was quite apparent that, under the existing system, competition did not answer either as regarded the companies or the public. These were only some of the points which ought to be carefully considered by the Government, and the longer they were postponed the more difficult they would be of settlement. He entirely approved of the suggestion of the noble and learned Lord, to send the Bill to a Select Committee.

Lord LYNDHURST would move that the Bill should be referred to a Select Committee. He quite agreed with the noble Earl, that the interests of the railway companies and the public, though apparently at variance, were not really so, and might be reconciled by a careful investigation before a Select Committee. Such an investigation could not, however, be entered upon in a Committee of the whole House. One question which required very careful consideration was as to the tribunal which was to decide what was a "reasonable condition" to be affixed by the railway companies to the conveyance of traffic. The Bill proposed to intrust this power to the fifteen common law and six equity Judges, each of whom might be called upon separately to pronounce an opinion upon questions not of law, so vague and so incapable of being reduced to fixed rules, that it was impossible conflicting decisions should not be given. Another result would be, that as the common law Judges were absent on circuit from London twice a year for a considerable period, the investigation of these matters would principally devolve upon the equity Judges, who were stationary. Now even at the present moment the Judges in these courts were barely able to despatch the business before them, and he was informed that when the vacation arrived, there would be a considerable arrear of business to be disposed of at a future period. The business before them would be still further increased by the Testamentary Jurisdiction Bill; and if to that they added the business that would arise under this Bill, it was quite evident that all the benefits which it had been attempted to secure to the public by the late reforms in the Court of Chancery would be lost, and that the delays and arrears of business in that court would soon be as bad as ever. He thought that, in order to ensure uniformity of decisions, questions of this kind should be dealt with by one tribunal; and he would suggest that the Court of Common Pleas—the Judges of which had ample time—should be the court for that purpose as far as England was concerned. It would still remain for consideration to what tribunals in Ireland and Scotland they should intrust the decision of these questions. Another point to which he wished to draw their attention was the desire on the part of railway companies to free themselves from the consequences of their negligence by setting up special contracts. It was for the House to decide whether they should put some restraints upon these contracts, and, on the other hand, whether in favour of the companies they would not somewhat limit their liability. He had understood, also, that the railway companies disputed their liability to carry horses and cattle under the word "traffic." He could not see why the words "horses and cattle" were not used instead of the word "traffic," which had no definite meaning whatever. These and other similar questions, which could not be dealt with in a confused debate in the whole House, might be very well considered by a Select Committee, and he should, therefore, press his Motion for referring the Bill to such a body.

Amendment *moved,* That the Bill be *referred* to a Select Committee.

Lord STANLEY of ALDERLEY hoped the noble and learned Lord would not press his Amendment. The Bill was on Friday last fixed for that evening, on the express understanding that, if the Lord Chief Justice—who desired to consult the Judges with respect to some of its provisions — desired a further postponement, it should not then come on. He had received a note from the Lord Chief Justice, expressing his desire that the Bill should be further postponed; and, under these circumstances, he trusted that their Lordships would not, in the absence of the Lord Chief Justice, enter upon a discussion of the general merits of the measure, or entertain any proposition for referring it a Select Committee. He must confess that he had as yet heard no reasons which convinced him of the necessity of such a step, nor could he see why the various points that had been mentioned could not be discussed perfectly well in a Committee of the whole House. With respect to the word "traffic," it was perfectly well understood in connection with railways; and if the noble and learned Lord referred to the interpretation clause, he would find its meaning fully defined. The noble Earl (Earl Grey) near him had complained that several subjects, and particularly that of accidents, were not embraced in this measure. This Bill, however, only professed to deal with the regulations as to traffic. It was complete as far as it went; and with respect to the subject of accidents, a distinct Bill was already prepared, and would be placed on the table of the other House in the course of a few days.

Lord LYNDHURST objected to the use of an insensible word, and then attempting to attach to it a sensible meaning by a definition in the Bill.

Lord REDESDALE held it to be highly important that the Bill should pass without delay. That something might be done to make it more perfect he would not deny, but it proposed to remedy many deficiencies now existing in railways. A number of other Bills were really dependent on the passing of this; a number of companies whose traffic was now impeded were waiting in the hope of surmounting the obstacles in their way when the Bill should be passed, and he should therefore deprecate anything which should delay its progress. As to the proposed reference to a Select Committee, he entertained no decided objection one way or the other; if the Committee would go on vigorously, and without loss of time, he would not object to the reference; but if, on the other hand, the Committee, not confining themselves to the Bill alone, should enter into all matters connected with railway traffic, he should give the proposal of the noble and learned Lord his decided opposition.

The Earl of DERBY certainly thought there was very considerable force in what had been said by the noble Lord who had just sat down as to the desirableness of passing the Bill at an early period. The proposed reference to a Select Committee was not for the purpose of considering the Bill itself, but for that which his noble Friend most deprecated, namely, for entering into extensive considerations with a view to framing a more efficient Bill, which would occupy the greater portion of this Session of Parliament. If that were the case, as he believed it to be, he would urge upon his noble and learned Friend to reconsider, or at all events not to press, the question of a reference at the present time. Before sitting down, he wished to ask the noble Lord opposite, who had the charge of the Bill, whether he had considered the particular point, which had been the subject of observation by various noble Lords as well as by himself, with regard to the liability and great responsibility of railway companies, and the possibility of their avoiding that responsibility by a simple notice; and whether he were prepared to introduce, on the part of the Government, a provision to prevent that avoidance?

Lord STANLEY of ALDERLEY said, that the case had been most fully considered, and he was informed that railway companies were subject to precisely the same liabilities as common carriers. There was, therefore, no necessity for introducing a special provision on the question; it would only be necessary to enforce the laws at present existing.

Earl GREY said, that railway practice abounded in cases of injustice and oppression, which were not heard of in connection with the profession of a common carrier. If this Bill was not to be referred to a Select Committee, and if Her Majesty's Government should not propose any more effectual measure, he did trust that some of their Lordships would move for a Select Committee on the general subject, with a view to ascertaining whether some further legislation were not necessary. The Bill, as it stood, was a most insufficient attempt to deal with a subject of very great and urgent importance.

Lord LYNDHURST said, that by the common law, carriers were obliged to receive all goods given to them to carry. They had attempted, however, to get rid of their liability on account of the goods by putting up notices limiting their liability. As, however, the goods were not always delivered at places where those notices were posted, it was decided that they were of no effect. They next affixed a notice limiting their liability to the receipt which they gave for the goods, and this would have been effectual in the then state of the law. Parliament, however, then stepped in, and by the 11th *Geo.* IV. declared that they would not allow their liability to be limited by these notices, but it was at the same time provided that this Act should not prevent parties entering into any special contract. Taking advantage of that the railway companies had by a special notice made it part of the contract on which goods were received, that they would not be liable for loss or injury from whatever cause it might arise. Now, this was not in accordance with the spirit of the Act of George IV. It was an evasion of it; a species of fraud which should be prevented by this Bill.

Lord STANLEY of ALDERLEY said, that the Lord Chief Justice had expressly declared that these notices were so much waste paper; and that if the railway company refused to take cattle or horses or other goods, except upon the terms of such a special contract, it was perfectly competent to any one to bring an action for damages against them in a court of law. The remedy was precisely the same against a railway company as against a common carrier who refused to take goods except on special contract.

Lord LYNDHURST said, that the remarks of the Lord Chief Justice had exclusive reference to the non-effect of notices issued by railway companies in defeating the operation of the Act introduced by himself for giving damages for personal injuries. It was all very well saying that an action would lie against a railway company if they refused to take goods; but how unequal was the contest between an individual and a powerful company?

Earl GREY could not at all agree that those notices were mere waste paper, for he knew of a case in which the Court of Common Pleas, setting aside the verdict of a county court, held that, by the publication of such a notice, the Newcastle and Berwick Railway Company had freed themselves from a liability which would otherwise have attached to them.

The LORD CHANCELLOR was afraid that this inequality was inherent in the nature of things, and that it would still operate whatever might be the nature of the remedy provided. He thought the subject of the liability of railway companies was not yet fully understood by the House. Every common carrier was bound to take goods which were tendered to him, and he believed that railway companies were equally subject to this liability. In former times, no doubt, carriers—on account of the nature of their conveyances—were not required to carry cattle. But now, when they—at least railway companies—had the means of doing this, they were, he had no doubt, just as much bound to receive cattle and horses, if tendered to them, as any common carrier was to take a parcel which was put into his hands. Nor could they refuse to take such horses and cattle except on the terms of a special contract, although, no doubt, if a party did enter into such a contract with them, he would be bound by its terms.

The Earl of DERBY wished to know whether the Government would have any objection to insert in the present Bill a clause precisely in the words of that of the 11 *Geo.* IV., the Act relating to carriers, declaring that the tickets issued by railway companies should not affect their liability as common carriers, except in cases where a special contract was properly constituted, and where the parties sending the goods had the option of entering into or of refusing such contract.

Lord STANLEY said, that if it were the opinion of the noble Earl and of the noble and learned Lord (Lord Lyndhurst) that such a clause was necessary, he should have no objection to insert it in the Bill.

Lord REDESDALE pointed out that the 6th clause provided that, when any proceedings should be taken for any contravention of the Act, an order should be issued by the court, imposing a penalty upon the company only if such a thing should be done in future. The complainant was, therefore, not to have any damages himself, and no private party would complain upon these terms. The clause ought to be altered, and the party enabled to bring his action for damages and his action to have the company restricted at one and the same time.

Earl FITZWILLIAM said, the noble Lord had objected to sending the Bill to a Select Committee, seemingly because he had wished to make their Lordships' House a Select Committee. Undoubtedly there existed a strong objection to a Select Committee at this period of the Session; but if the noble and learned Lord let slip the present opportunity, he would get no other this year of bringing under the consideration of Parliament, Her Majesty's Ministers, and the House of Commons, those matters which had been improperly omitted in the Bill. Such a Committee would not be exclusively confined to the questions contained in the Bill, but would take the opportunity of duly deliberating on all those questions which they might think worthy of being introduced into it. It was upon that very ground that he (Earl Fitzwilliam) had come to the opinion that the appointment of such a Committee would be most desirable. If the subject were not fully gone into, their Lordships would not have credit given them for wishing to legislate satisfactorily upon this important question.

Lord BEAUMONT had no objection whatever to go into Committee on this Bill; but before he agreed to that Motion he should like to understand whether it was proposed that a Select Committee should sit on this Bill or on the general subject of railways. If it was merely proposed that a Select Committee should sit on this Bill, as the Bill was a very short one, and omitted nearly all the matters concerning railways, and contained only one or two clauses on the outside, the Committee might confine themselves to that subject, and in the course of a single day make the necessary alterations. If, however, on the other side, they were now to do what it was their duty at some time to do, namely, to go into the whole of the question of railways, and were to select the occasion of this Bill for fulfilling that intention, then he would say that he must object to the Motion; for although they were bound to consider the question, he thought it would be injudicious to take the opportunity of this Bill to appoint a Select Committee for the purpose. He thought so, not so much because of the delay as on other grounds. He believed the whole of the legislation on the subject of railways must be matter of compromise, because, in consequence of the power which the railway interest had in another place, they could not expect to carry a complete measure; and he was not quite certain whether the Government had not been wise to divide the subject into various Bills, in the hope of getting some of these Bills through, and of obtaining some good, which they certainly would have failed to obtain if they had put all that was desirable into one Bill. He agreed that the Bill was imperfect as a matter of legislation, and that most important matters were omitted; but he was fully convinced that a more perfect measure would not have succeeded in another place, and he would rather get the little they could get than by attempting more to lose all. The objection raised by his noble Friend opposite was one that particularly struck him the other day. It was proposed to take away the power of recovering damages by the party aggrieved, though they gave to the public at large a power of procedure by which the aggrieved party could obtain an injunction from a court of justice to prevent the repetition of the wrongdoing; and it struck him that that was one of the compromises which had been effected in another place. He thought the matter would be much better discussed in a Committee upstairs; and on the condition that this Bill alone should be the matter for consideration, he would have no objection whatever to agree to the proposition of the noble and learned Lord opposite.

Lord ST. LEONARDS trusted that the Government would take into consideration the suggestion of his noble and learned Friend, that the questions arising under the operation of this Bill should be referred only for adjudication to the Court of Common Pleas.

Lord BROUGHAM thought there was every reason why those questions should be disposed of in one court. It would not only increase the facilities and experience of that court in the disposition of such questions, but preserve a uniformity of decision, and the Court of Common Pleas, to which alone it was proposed by his noble and learned Friend to refer them, was anything but over-worked.

Amendment, by leave of the House, *withdrawn.* Then the said Motion was, on Question, *agreed to*; and House to be put into Committee on the said Bill on *Tuesday* next.

LAW OF LANDLORD AND TENANT (IRELAND) BILL.

Bill read 3^a according to order.

The Earl of CLANCARTY: In rising to move the omission of the 37th clause from the Bill to which you have just given a third reading, I beg to assure your Lordships that I have no desire to impede legislation upon the important subject which gives the title to the Bill—far from it. I am, on the contrary, most desirous that the measure you are about to send down to the other House should be in all respects so framed as to commend itself to the acceptance of the representatives of the people, and to the approval of the country—that it should be commended as well by the soundness of its principle as by the beneficial tendency and practical usefulness of its enactments—not as a one-sided and partial measure, serving one party and not serving another, still less as serving or pretending to serve one party at the expense of another, but as a measure improving and simplifying in matters of detail the very important relations of landlord and tenant in Ireland. Some, I am aware, are of opinion that legislation is not desirable; that, agitation having passed away, and landlords and tenants drawing well together, the cultivation of the land every day improving, it would be better to leave things to take their course; but although the fact is happily so, and the argument has therefore considerable force, I am of opinion, nevertheless, that legislation on the subject may with advantage, and ought now, to take place. The attention of the public has now for the last ten years been directed to the subject, and successive Cabinets have, by the introduction of Landlord and Tenant Bills, and by the declarations and pledges of leading statesmen, raised an expectation which the contents of these Bills in a great measure warrant that greater facilities and encouragement than at present exist can be and will be given for a beneficial occupation of the land in Ireland. It is undeniable that great labour and learning have been given to the subject by men of the highest legal eminence, and that the fruits of their labours have, from time to time, been brought under the consideration of Parliament and of the public in a manner that, while it has tended to a better understanding of the question, has produced agreement upon many important matters relative to the future tenure of land; and I think that credit should not be withheld from those to whose labours we are indebted for the simplified form in which we are now enabled to deal with the subject. Such acknowledgment I consider to be especially due to my right hon. and learned Friend Mr. Napier. To him I think it is greatly due that the crude and wild legislation of the Tenant League has been made to give way to the consideration of measures more in harmony with the rights of property, and promising of more practical advantage to the community. To that learned Gentleman was assigned, when agitation was at its height, the task—one of no small delicacy and difficulty—of drawing up those Bills which are now in substance under your consideration. Although I could not concur in all that he proposed, neither can I overlook the fact that the opinions that then prevailed both in and out of Parliament, and that had been countenanced by the leading statesmen of both parties, in favour of retrospective legislation in the matter of tenant compensation, rendered it almost necessary, in order to a full consideration of the subject, that the question of retrospective legislation should be included. I regret that it was so, and hope that sounder views now prevail; but be that as it may, the whole subject has been dealt with by the learned Gentleman in a manner that acquired for him the highest commendations, including that of the noble and learned Lord the late Lord Chancellor of England (Lord St. Leonards); the confidence of both the late and present Government; and, lastly, the acknowledgment of the noble Duke (the Duke of Argyll) of the valuable services he had rendered to the Select Committee, in the consideration of the Bills that are now before the House. Seeing, then, my Lords, that much real attention has been given to the subject, and that many valuable and well-considered enactments are embodied in those Bills, I trust they will become law. But while I desire to see enacted all that may be for the public advantage, all that the Committee has concurred in recommending as really desirable, I must call upon your Lordships to withhold your consent from that part of the Bill, the 37th clause, which involves a violation of a fundamental principle of property, by arbitrarily transferring, by a retrospective enactment, from landlord to tenant that which is at present the landlord's property, if he chooses to take possession of it. I do not say that it is not competent for the Legislature to interfere with private rights, if some great public object, not otherwise obtainable, should render such a step necessary; for it accords with the fullest respect for the rights of property to say, that the laws by which they are secured and upheld were framed, not for the advantage of individuals or of classes, but the benefit of the community. But the clause to which I object does not come recommended by any compensating advantage whatsoever, public or private. Now, although there are in this House many noble Lords of great learning and legal authority, I trust I may, without undervaluing their opinions, quote in support of my argument from the writings of Judge Blackstone, no mean authority on the principles of the law. He says in the chapter "On the absolute rights of individuals"—

> "So great is the regard of the law for private property, that it will not authorise the least violation of it—no, not even for the general good of the whole community. . . . . The public good is in nothing more essentially interested than in the protection of every individual's private rights as modelled by the municipal law. In this and similar cases the Legislature alone can, and indeed frequently does interpose, and compel the individual to acquiesce. But how does it interpose and compel? Not by absolutely stripping the subject of his property in an arbitrary manner, but by giving him a full indemnification and equivalent for the injury thereby sustained."—*Blackstone*, vol. i. p. 139.

The authority of Judge Blackstone, I think your Lordships must admit, is clearly opposed to the 37th clause of this Bill. Further, my Lords, the clause is not in any way necessary to it, but rather calculated to create dissatisfaction with its other provisions. It purports to confer a boon upon tenants in occupation by giving them a property in that which at present by law is the property of the landlord. The tenantry will naturally inquire, as I think the landlords have a right to demand, the reason of this arbitrary transfer of one man's rights to another; and the very fact that no reason has been, or can be given for it, will necessarily awaken suspicion in the minds of the tenantry, that the Bill must elsewhere contain provisions adverse to their interests to compensate for the injustice done to the landlord. Besides, the clause has been termed "a compromise," which would seem clearly to imply that there was a kind of bargain of mutual concession. But if the other clauses of the Bill be examined, I think it will be admitted that they have no partial action; certainly none in any degree adverse to the tenant's interests, but that the common advantage has alone been consulted. Why then damage the character of this Act by a wanton violation of vested rights! Has the Select Committee, in submitting this Bill for your consideration, pointed out any necessity for this objectionable clause? In the absence of any special Report in favour of a principle of legislation so much at variance with the principles which usually govern the councils of this House, your Lordships should, if you do not at once expunge the clause, at least inquire what are the opinions of individual Members of the Select Committee upon it. I do not think that you will find in their opinions, as far as we can judge of them, anything to warrant its retention in the Bill. The noble Duke who brought up the Report, while he explained the general character of the measure, and adverted in particular to this clause, appeared to me to guard himself against becoming in any degree the advocate of the principle it involved. He explained how, during the period of the late famine in Ireland, when so many had to give up their lands, they lost the benefit of the fixtures they had created upon them; he showed the propriety of the change that was made in the relations of landlord and tenant in 1851, with regard to fixtures, but made out no case to call for retrospective legislation upon the subject. The general tenor of his observations was altogether opposed to interference with existing rights; he would yield nothing to agitation, and would rest the mutual engagements of landlord and tenant upon the principle of contract. My noble Friend the late Postmaster General (the Marquess of Clanricarde) was the next that delivered his sentiments, and certainly his opinion was not in favour of the clause. Language could not have been used stronger than that in which he expressed his reprobation of it. His opinion was echoed by my noble Friend the late Under Secretary for the Colonial Department (the Earl of Desart), by the noble Baron opposite (Lord Beaumont), and by the noble Marquess on this side of the House (the Marquess of Bath), who moved, but afterwards withdrew, his Motion for expunging the clause. Then, my Lords, the sentiments of the two noble and learned Lords, who served upon the Committee, and in whose wisdom, learning, and discretion the House so much confided, for advising upon this landlord and tenant code, were given to your Lordships. The noble and learned Lord Chief Justice not only expressed his entire disapprobation of the principle of the clause, but declared his conviction that it would be unproductive of any good, and would rather produce division and strife between parties who are now drawing well together, and yet, with strange inconsistency, he declared that he should not oppose its adoption. The other learned Lord, the late Lord Chancellor, expressed his disapproval of the clause in language not less forcible, and of peculiar weight as coming from one of such high authority, but with like inconsistency recommended your Lordships to adopt it as "a compromise." Such a proposition, coming from such a quarter, I certainly heard with no little surprise, and with the greater regret as it appeared to have influenced the noble Earl opposite, the late Colonial Secretary (Earl Grey), whose disapproval of the principle of the clause was otherwise quite as decidedly expressed as that of any Member of the Committee. The noble Lord on the back bench opposite (Lord Dufferin), who, on the first introduction of these Bills to the notice of your Lordships, so ably explained the nature and evils of the tenant-right system of the north, and who was, moreover, the proposer of one of the tenant compensation Bills which the Committee felt it necessary to reject, acquiesced in, but did not approve of, the clause in its details. And the noble Earl below him (the Earl of Wicklow), although equally dissatisfied with its details, gave the clause his support, as a concession to popular demand, regretting only that the Bills last year sent up from the other

House had not been adopted in their integrity. These two noble Lords, but these only, of the Members of the Committee I have noticed, must undoubtedly be regarded as the advocates of the retrospective legislation now proposed. Of the other Members of the Committee, as none addressed the House since the Report was brought up, we have not the advantage of knowing what exactly are their opinions on this clause; but of one we may with some certainty believe that he is opposed to it—I speak of my noble Friend on the cross-bench, formerly Chancellor of the Exchequer (Lord Monteagle), as he in the strongest manner denounced it, on the original introduction of the Bills; and if he had changed his mind, he would not have failed of explaining his altered views. Thus, my Lords, as far as the individual opinions of Members of the Committee can be inferred, from what they have addressed to the House, they are as nine to two against the principle of retrospective legislation; and yet the proposition is submitted to your Lordships' acceptance. The Committee, no doubt, thought that in discarding six out of the eight Bills referred to them, including the Bills under the specious titles of Tenant Compensation Bills, they had done much, and desired that the House should take its share of responsibility by dealing with the 37th clause of this Bill. It may be in your Lordships' recollection that I objected to the original constitution of the Select Committee, as including an undue proportion of English Peers, to the exclusion of the representative Peers of Ireland. I was answered that, although the Bills were exclusively Irish, the great object of maintaining the principles of private property in harmony in all parts of the United Kingdom, rendered it important that the Committee should be composed, in large proportion, of English Peers. Now, I would ask, are we to take it as the recommendation of this Committee or not, that we should interfere with vested rights? If such is the Committee's recommendation, I think, although unhappily we do not number any law Lords among the Irish Peers, that an exclusively Irish Committee might have dealt with the subject quite as successfully. But I find that, in noticing the opinions of the individual Members of the Committee, I have omitted that expressed by my noble Friend near me (the Earl of Donoughmore). He certainly stood up for the clause, and must be regarded as its most strenuous advocate; and if I could believe, with him, that it was to be defended upon the ground of justice, I should not object to it; that would be reason enough for its enactment. But where is the justice of it? Is there a wrong to be remedied? If so, your remedy is worse than the wrong, for, besides violating a principle, you inflict a wrong upon the landlord, and, in reality, confer no benefit whatever upon the tenant. What is the wrong for which this clause is proposed as a remedy? A tenant who has made improvements upon the land, without the consent of his landlord, has no legal right to recover his outlay if dispossessed. Well, he knew that before he made them. He, therefore, probably improved his farm, in full confidence in the equity and liberality, or in the good sense of his landlord, that he would not dispossess an improving tenant, or that, if he did so, he would compensate him for his outlay. If the landlord had not been confided in, the improvements probably would not have been made without the security of a lease, or the consideration of some abatement of rent, or other advantage. What wrong, then, is there done to any one by leaving the fulfilment of that covenant to take place as heretofore? Your interference is a wrong done to the landlord, and would not better the position of the tenant. It can only promise the harmony and mutual confidence, and good-will that subsisted between the parties; and the dispossessed tenant, instead of being freely compensated by the landlord for whatever improvement he may have made, will, by preferring his legal claim under this enactment, be left to his legal remedy, namely, of carrying away the stone, mortar, and timber, of which his house or other fixtures may have been constructed. Is not this a most unsubstantial boon to confer upon the tenant class; and will it not be regarded as a mere delusion by those whom you hope to satisfy with it? But, my Lords, there is a class of very humble occupiers by whom the operation of this clause will be severely felt—I allude to the very small farmers, the occupants of from four to sixteen acre farms, to be found for the most part in great poverty upon the encumbered and generally mismanaged estates that are being daily disposed of to English and Scotch speculators in land. With these new purchasers it is a very common practice to get up the possession of the lands, for the purpose of creating large farms. Hitherto it has been the practice, when so doing, to make the outgoing tenant very full compensation for the value of the miserable dwelling that is to be taken down; but, under that clause of your Bill, the landlord who is thus desirous of clearing his lands will be enabled, if he pleases—and you should not afford him a legislative sanction for so doing—to tell the outgoing tenant that, by the tenant compensation clause of this Bill he is entitled, and at perfect liberty, to carry away the materials of his dwelling, but that he has no further claim. My Lords, for the tenants as well as for the landlords I would say that this clause ought to be omitted; and I would beg to remind my noble Friend that the clause he is defending is not part of his own Bill, which I considered in many respects, and especially with reference to the fixture clause, a much better one than this, but it is a clause exclusively retrospective in its action, and of no importance whatever to the working of the remainder of the Bill. I cannot but view it, my Lords, as a remnant of the worst fruits of the Tenant-League agitation—it is a compromise for popularity. But the popularity of this House can only be founded upon the respect with which your proceedings are regarded, upon your faithful guardianship of the great principles of our laws, and not upon any sacrifice of those principles. The House of Commons may be excused if, under the influence and pressure of popular constituencies, they propose concessions which sound judgment may not always justify; but you are not at liberty to do so. True, there were in the last Session Bills sent up to you, and to which your assent was asked, involving concessions to popular clamour that would have been in violation of private right, but that will not justify you in assenting to such concession. Popularity so earned is for you forbidden fruit. Adam was not excused when he said, "She gave me of the tree, and I did eat." Your Lordships should also remember that this is not a Government but a House of Lords measure. The Bill is not from the Cabinet, but from a Select Committee of this House. Let it not, then, go down to the other House with any unsound matter in it calculated in any degree to abate the respect with which the conservative character of your proceedings is commonly regarded. Let the obnoxious clause be struck out, and if the House of Commons is enamoured of retrospective legislation where it is unnecessary, let it rest with them, and not with this House, to propose it. Hitherto improvements have been carried on by the mutual accord of landlord and tenant; it has, doubtless, not been a sufficient stimulus for improvement; but let not what has been done be interfered with, and let your legislation confine itself to a better provision for the future. I regret that it has not devolved upon some other noble Lord to advocate what I have endeavoured to recommend to your Lordships; but I trust your Lordships will, notwithstanding that they come from so uninfluential an individual, weigh the arguments I have taken the liberty of urging, in support of my Motion for omitting the 37th clause from the Bill to which you have just given a third reading.

Amendment *moved*, to leave out the 37th clause.

THE EARL OF DONOUGHMORE said, the Bill undoubtedly had many provisions —those particularly in relation to distress —which were highly favourable to the tenant; but neither could it be denied that it was a Bill also highly favourable to the landlords. He was not an advocate for compensation to the extent agitated by the Tenant-right League; but the tenant had by the existing law a right to protection; and, therefore, though in point of law the tenant had no relief, in point of fact he was protected in such a way that it was often worth the landlord's while to compensate him. The Bill placed the laws upon a fair basis in that respect. The present system inevitably led to great fraud; and it was only justice that something should be done to protect the tenant. If the clause were rejected, then the Bill would be regarded by the House of Commons as purely a landlord's Bill; as such it would certainly be rejected; and by that means the many valuable provisions which it contained would be lost for the present Session. He admitted there might be difference of opinion among the Members of the Select Committee; but their Report was the foundation of the measure.

THE EARL OF DESART said, he certainly could not support the Amendment, though he was opposed to giving retrospective rights over any man's property without his consent. Having, however, witnessed the divisions, and listened to the deliberations of the Select Committee on the construction of the Bill, and having seen that the object of the Committee and the House was to arrive at a just and equitable settlement of a question, which was considered, though erroneously, he believed, as agitating all Ireland, he was of opinion that they had conscientiously adopted the measure as being the best suited for that object. At the same time, however, the Committee had not neglected its duty; and in considering the 37th clause, which involved, most certainly, the dangerous principle of the Bill, they had fenced that principle round with safeguards which he hoped would be sufficient to obviate any evil results of a serious nature. He could not, therefore, support the Amendment, though he was bound to state that less agitation on the subject existed in Ireland than was supposed. In the southern and western districts the agitation on this question, notwithstanding the vigour with which it had been promoted and the auspices under which it had been conducted, had fallen flat upon the minds of the people, who felt that their interests were safer in the hands of their natural protectors than in those of agitators, in whom they could not place the same reliance. He hoped that if the safeguards with which the Committee of that House had felt it their duty to fence the clause should be diminished by the House of Commons, any Amendments with such an object would not receive the sanction or support of Her Majesty's Government. As regarded the north, he trusted that he concessions now made would have the effect of quieting the agitation in that part of the country, and that they would be received in the spirit of conciliation in which they were offered—with gratitude.

Their Lordships *divided*:—Content 10; Not Content 41: Majority 31.

Amendments made; Bill *passed*, and sent to the Commons.

PROTEST

Against the Third Reading of the Irish Landlord and Tenant Bill.

"DISSENTIENT,—1. Because we consider it to be of the highest importance that the law in England and in Ireland should rest on the same fundamental principles, and that any deviation from such rule should only be sanctioned by Parliament where a difference of circumstances between the two countries can be clearly proved to exist, and should then be limited strictly to such difference of circumstances.

"2. Because in the present instant no such difference of circumstances has been established as can justify some of the enactments contained in this Bill.

"3. Because it is our opinion that in all cases of contract, but more especially in those between landlord and tenant, the prosperity of both classes will best be promoted by leaving them free to enter into such covenants as shall be mutually agreed to, securing, as far as is practicable, the inviolability of these covenants when made, and affording equal and effectual remedies for maintaining and enforcing the rights of both parties.

"4. Because the experience of two centuries has fully confirmed the judgment of Sir John Davies, whose experience as a statesman and a lawyer led him to the conviction that "the application of the English law of tenure to Ireland was essential to the well-being of the latter country."

"5. Because the section 37 of the present Bill, in its *ex post facto* operation, is framed on a principle opposed to the rights of property, making a gratuitous transfer to one class of that which now belongs to another, and, in order to mitigate this act of injustice, introducing exceptions and limitations which cannot fail to lead to confusion and litigation, to be supported by doubtful and questionable evidence.

"6. Because this provision is utterly repugnant to the faith of Parliament as pledged to the purchasers of Irish landed property under the Encumbered Estates Act—parties to whom a Parliamentary title declared good against all claims whatsoever being under this Bill made responsible for new obligations to which they have not consented, and to pecuniary burdens created by an *ex post facto* law.

"7. Because we agree in the opinion of the statesman under whose authority the Devon Commission was issued, that "it is a grievous error on the part of the Legislature to interfere with the rights of property, the maintenance of which is the great characteristic of a state of social improvement, and any interference with which constitutes the greatest blow that can be given to industry and the accumulation of wealth."

"8. Because, while we desire that an improvement should be effected in the dwellings of the cottier class, we apprehend that the provisions of this Bill, and more especially the 106th section, will fail to produce this desirable result. The future recovery of rent of cottiers' holdings being made dependent upon the proof of two allegations of fact, each of which may be made matters of litigation and controversy, the consequence will be an indisposition to invest capital in property thus rendered uncertain and unproductive; the number of dwellings for small occupiers is therefore likely to be diminished, and a new pressure cast on the very class whom it is intended to benefit.

"9. Because we are indisposed to rely on ingenious contrivances attempted to be carried out by compulsory enactment as the true source of national improvement, rejoicing to think that the force of sound public opinion, the just appreciation of duty, and even the motives of enlarged private interest, are leading on both the proprietors and occupiers of land in Ireland in a course of judicious progress, and we therefore prefer to place our reliance upon the development of natural causes rather than to risk counteracting those causes by an unwise, though well-meant, system of legislation.

"MONTEAGLE OF BRANDON.
"SOMERHILL.
"GRINSTEAD.
"BATH.
"CLANCARTY.
"CLANBRASSILL.
"CLONCURRY.
"CASTLEMAINE.
"MAYO."

POWERS OF LEASING (IRELAND) BILL.

Bill read 3ª, according to order.

THE DUKE OF ARGYLL said, that the noble Earl opposite (the Earl of Derby) having called attention to the construction of the fourth section of the third clause of this Bill, and objected that it would have the effect of enabling persons having merely a life interest in an estate to grant leases extending long beyond their own terms, and calculated injuriously to affect the interest of the landlord, he had therefore consulted with those who had charge of the Bill in the other House, and the result was that he would now move the insertion of certain words to limit the operation of the clause so as to obviate the noble Earl's objection. The noble Duke then proposed a formal Amendment accordingly, to insert the words "not being subject to rent for the occupation of the land."

THE EARL OF DERBY said, that his object in drawing attention to that part of the Bill on a former night was to prevent a mere lessee for lives or a term of years from being entitled to dispose of the property of the head landlord for a considerable term after the lease had expired. He understood that the Amendment proposed had been made to meet that objection; but he thought that it went too far, as it might comprehend the case of tenants for leases of lives renewable for ever, on account of their paying a chief rent. What he desired was to exclude from the operation of the Bill tenants for leases of lives or for a term of years, and not tenants for leases of lives renewable for ever.

THE DUKE OF ARGYLL explained. The Amendments applied to persons paying rent for the land. The Amendment was prepared by Mr. Fergusson, the draughtsman of the Bill.

LORD REDESDALE said, he thought the Bill gave too great power to tenants for life of an estate with regard to building leases. They might shut out the enjoyment of the mansion by granting leases for building over a beautiful prospect for ninety-nine years; and they might lease the right of shooting over the estate up to the hall door. He thought this power ought to be restricted; and he was of opinion that granting building leases in the immediate vicinity of the mansion should not be permitted. He thought that residence was the thing most desirable for the improvement of Ireland, and that, therefore, nothing should be done to discourage it, but on the contrary.

THE DUKE OF ARGYLL said, unless the provisions of the Bill were adopted, a serious bar would be placed to the improvement of Ireland. There was nothing in Scotland to prevent letting for nineteen and twenty-one years. As regarded the building powers, he could assure the House that the Irish Act was far more liberal than the Bill. By the 10 *Geo.* I., a power was given to lease for three lives, or forty-one years, the only restriction being that the land should have been previously in cultivation; and by the 11 & 12 *Geo.* III. c. 21, tenants for life were seised with the power to make leases for sixty-one years of the whole estate, if they thought fit. The powers in the Bill were a great restriction on the old Irish Act. One of its advantages would be to enable landlords to grant leases, though the estate might be mortgaged. Surely their Lordships would not refuse to extend to Irish landlords such reasonable powers as were already enjoyed by landlords in England and Scotland.

LORD MONTEAGLE said, he would undertake to say, without fear of contradiction, that the manner in which the supporters of this Bill were reasoning was wholly at variance with the results of the experience which every noble Lord present connected with Ireland could adduce. The ground on which they seemed to proceed was the supposition that it was owing to the shortness of leases that the little improvement of land in Ireland was to be attributed; whereas the very reverse was the fact. He saw in the House many noble Lords who were connected with Ireland, and he would put it to them whether it was not the fact that the worst-improved estates in their respective vicinities were not those, the leases granted upon which were of the longest duration? The worst cases were those in which an almost perpetual interest had been created by the improvidence of former owners. In all the more ancient settlements the general leasing power was for thirty-one years and three lives, or thirty-one years or three lives, and he had seen numerous settlements of that kind; but what did they find was the increasing practice in all parts? Why, that with a view to promote the interests of both landlord and tenants the thirty-one years' power had been abandoned, and a twenty-one years' power taken; and he asked whether their Lordships could doubt that, for all agricultural purposes, a twenty-one years' lease was not preferable. If the question was considered in an analogical point of view with respect to England and Scotland, he asked whether the ordinary nineteen years' lease in the latter, and twenty-one years' in the former, had not been found beneficial agricultural leases? But there was one argument which he thought conclusive, and which must strike every one who had been accustomed to the management of an Irish estate; and that was, if they granted a twenty-one years' lease to a tenant who was an improving and a deserving man, and who was selected with a view to his age as well as his character, they might confidently put the land into his possession with the prospect of its falling in hand during his life; but if that period were extended to thirty-one years, in nine cases out of ten the land would devolve on his child or representative. There might be cases of dispute with respect to wills or intestacies, and the landlord would consequently not have the security he ought to have with regard to the improvement of the land; therefore he really thought, as a matter of common sense and discretion, they ought to import into the Bill in respect of agricultural leases that period which had been found best adapted for the interest of agriculture, both in England and Scotland, and, above all, which would be found the best adapted for the improved circumstances of Ireland. He believed that period to be twenty-one years, and was of opinion that it would satisfy every reasonable tenant. On those grounds he should certainly urge upon their Lordships the propriety of its substitution for that now in the Bill.

THE DUKE OF ARGYLL said, he was well aware that the great evil of Ireland had been, on the one hand, too long leases, and, on the other, no leases at all. Every motive for exertion on the part of the tenant had been taken away. The object of the Bill was to repeal all the laws which contemplated too long leases, and on the other hand to provide such a period as would enable the tenant, by a proper exertion, as in Scotland and England, to remunerate himself for his outlay. There was no doubt that a vast majority of the settlements in Ireland contemplated a twenty-one years' lease and a life. The introduction of an element of uncertainty was considered to be disadvantageous, and therefore the term of thirty-one years had been named.

THE EARL OF DERBY was desirous that such a term should be adopted as would enable the tenant to repay himself his outlay of capital and labour. It was true that in former times thirty-one years and three lives would be the ordinary term; but at present he believed the practice in Ireland was to grant no lease at all, and where agricultural leases were granted, so far as his experience went, he had never heard of a tenant applying for a thirty-one years' lease. He himself had never granted a lease for lives, and further, he never would do so—that was to say, for an ordinary agricultural tenure. In his opinion twenty-one years was a quite sufficient term for an ordinary agricultural lease in England; and hoping to see practical agriculture in the one country assimilated to that in the other, he must say that a twenty-one years' lease afforded ample motive to improvement to an enterprising and intelligent tenant. On the other hand, he considered that they ought to reduce the powers of the tenant for life to the smallest extent that would be compatible with improvement. If his noble Friend (Lord Monteagle) pressed his Motion for inserting twenty-one years instead of thirty-one, he should certainly vote in favour of the shorter term.

THE EARL OF WICKLOW said, the only question for the consideration of the House was, which term was best for agricultural purposes? He agreed with his noble Friend on the cross-benches (Lord Monteagle) that the old leases were the worst portion of the property of an Irish estate, as, when the lease was nearly at an end, the tenant took care not to cultivate the land in such a manner as to confer an additional value upon it when it was taken up; but both that noble Lord and the noble Earl opposite (the Earl of Derby) had stated that they considered twenty-one years would be the best lease. He could assure their Lordships that in the part of the country with which he was acquainted that would be considered by no means a satisfactory lease. The usual practice in his part of the country was to grant twenty-one years and a life, and the thirty-one years was considered an equivalent to that lease. Anything less than that he considered would be a discouragement to the tenantry. They had heard a great many objections to the addition of a life; but, if, as formerly, the life was necessary to give the tenant a vote, he doubted whether objections of such a kind would have been raised.

THE MARQUESS OF CLANRICARDE was in favour of adopting the shorter term proposed by the noble Lord on the cross-benches (Lord Monteagle). Wherever in this country agriculture was good, there the lease for twenty-one years was prevalent; and why should a different system be adopted in Ireland? The fault he found with regard to the measure before their Lordships was, that it was not brought in upon the responsibility of the Government or any other party. These Bills had not, in fact, been framed by the Cabinet, nor by any one in Ireland; and any noble Lord who imagined that they would satisfy the Tenant-right League must be very ignorant of the proceedings of that body at their late meetings. In fact the Bill had its origin in nothing else than the pledges which had then been given upon the hustings at election contests in Ireland; and for the sake of affording to persons deeply pledged an escape from their pledges, the House was now asked to adopt legislation, which was not proposed as the result of any deliberation of the Cabinet. He should have thought that the events of this very Session, and even of the past week, would have convinced any statesman of the serious danger to the general government of the country of bringing forward measures that were not founded upon any responsibility, and might, therefore, not be carried through that House. He mentioned this now, because he considered that there ought to be an understanding on the part of their Lordships as to what were the Bills which they would, and what they would not, pass upon the subject. He thought there was great danger in attempting to please an extreme party by passing these Bills into law; for they knew well that if the pleasure of that extreme party was to be consulted in the other House of Parliament, these Bills would be essentially, totally, and dangerously altered; and if they were to come back to this House on the last days of the Session, as was the case last year, without Government or any other party being responsible for them, they would be in danger of inflicting an injury on Ireland which they might never be able to retrieve. At the proper time he should move that the last clause of the Bill be expunged, which would make it extend to Great Britain; and he did hope that those among their Lordships who properly appreciated and venerated the settlements in virtue of which their properties and estates had descended to them, would recollect, when he should make that Motion, that if they intended those settlements to be continued to their posterity, they must bring them into unison and harmony with the progress and custom of the times.

THE DUKE OF NEWCASTLE said, he entirely disavowed, on the part of the Government, any disposition whatever to please any extreme party in Ireland by these Bills. So far as the Government had had a hand in these Bills, no such object had existed. It had undoubtedly been sought to allay any irritation which might exist on the part of any of the people of Ireland, in consequence of injustice which they might feel had been inflicted upon them; but the object of the Bills had been simply to amend the law relating to landlord and tenant, as much for the benefit of the landlord as for that of the tenant, and to satisfy those moderate men who wished the interests of both to be consulted—and not any extreme party whatever, whether of landlords or tenants. The noble Marquess, and also the noble Earl who moved the first Amendment, had complained that these Bills had been introduced without any one being responsible for them. Now, though he (the Duke of Newcastle) had introduced these Bills in the exact form in which they were last Session received from the House of Commons, in order that they might be referred to a Select Committee, to be moulded into a form for submission to the House, yet the Government—one of its Members having presided over that Committee, and having most carefully superintended the examination of these Bills, and been a party to the Amendments which were made—the Government was not prepared to throw upon that House, or upon any other person, the responsibility of these Bills. The Government accepted the responsibility of them exactly as if they had been framed under its direction, and had been introduced in the shape in which Government Bills were generally introduced. If the noble Marquess meant to deduce from his argument that the Government intended to shift upon the House the responsibility of accepting these Bills, in whatever form they might come from the House of Commons, he could assure the noble Marquess that there was no such intention; but the

Government was not prepared to offer to the House of Commons the insult of saying that they would reject any Amendments which might be introduced into the Bills in that House. As regarded these Bills, as regarding others going from this House, the Government accepted the responsibility of them in the shape in which they were sent down to them by their Committee, and they would judge how far the principles involved in the Bills, as they now stood, were affected by any alterations which might be made in another place, and by their honest conviction as to the condition in which they came up they would be guided in the course which they should take. Upon the point immediately under discussion—the length of the leases—he thought it would be a misfortune if the House determined to make the term twenty-one years instead of thirty-one, as proposed.

THE EARL OF RODEN said, that any one who had lived much in Ireland must know the great evils and the want of improvement which had been caused, and would be caused, by leases for thirty-one years. Irishmen were often told that it was necessary to legislate for Ireland in the same manner as for England, but the present Bill was a departure from that principle. He lamented the course taken by the Government on this question, and trusted that his noble Friend (Lord Monteagle) would persevere in his Motion.

LORD REDESDALE said, the Bill utterly rode over all possibility of any person making such a settlement as would prevent injury being done to his property. In fact, it did away with all restrictions by which property was preserved for the enjoyment of its owner. He thought it was but reasonable that some restrictions should be inserted in regard to the erection of buildings. He should therefore move an insertion in one of the clauses of the Bill, providing that a lease of ninety-nine years for building purposes should not be granted in regard to any land within half a mile of a mansion-house.

THE EARL OF WICKLOW said, that this evil might be prevented, by a settlement which could be made by the owner of the fee simple.

LORD REDESDALE said, that the power of making a settlement which should have such an effect would be taken away by this Bill.

THE EARL OF WICKLOW had no idea that the Bill would have such an effect, and he expressed a wish that his noble Friend on the woolsack (the Lord Chancellor) should state to the House whether such would really be the effect of its enactments.

THE MARQUESS OF CLANRICARDE wished the Lord Chancellor would explain what effect this Bill would have upon future settlements.

THE LORD CHANCELLOR said, the intention of the Bill was that tenants for life in Ireland should be placed exactly on the same footing on which tenants in tail were placed in England by the Statute of Henry VIII.—that was, to enable them to grant leases.

LORD MONTEAGLE said, his noble Friend appeared to have much satisfaction from the fact that it contained a clause that would have a retrospective operation. He would beg to propose that a clause should be inserted proposing that it would have no future effect.

THE DUKE OF ARGYLL said, these discussions were wholly irrelevant. When their Lordships passed the Scottish Entail Bill they intended to prevent any proprietor from tying up his estate in future; and in like manner what this Bill proposed to prevent was the tying up of estates, and to prevent landlords from giving any but moderate leases.

On Amendment, to insert twenty-one years instead of thirty-one, their Lordships divided:—Content 20; Not Content 17: Majority 3.

Amendment moved by Lord Redesdale put, and negatived.

THE MARQUESS OF CLANRICARDE hoped that those noble Lords who supported this measure for Ireland would agree to have it applied also to England. If the Bill was so useful in that country, it ought to be equally useful in the other. He moved that the Bill should apply to England as well as to Ireland.

THE EARL OF DONOUGHMORE rose in perfectly good faith to second the Motion; so highly did he think of the advantages of this measure, that if he had an estate in England he would be glad to have this Bill applied to it.

Amendment put, and negatived.

Bill *passed*, and sent to the Commons.

MANNING THE NAVY BILL.

Order of the Day for the House to be put into Committee, read.

THE DUKE OF NEWCASTLE said, that in compliance with a suggestion that had been made to him, he would, with their Lordships' permission, proceed with this Bill before the Navy Pay Bill, although properly that measure should have the precedence. This alteration in the order of the two Bills was made solely from considerations of convenience. As it had been thought more convenient to allow the second reading of the Bill to pass without debate, and that any objections that might be taken to its provisions should be discussed before going into Committee, he wished, before proceeding to state the main contents of the Bill, to be allowed to refer to a misapprehension that existed out of doors as to the title of the Bill. It had been supposed that his right hon. Friend at the head of the Board of Admiralty (Sir J. Graham) intended to adopt some new method of increasing the strength of our naval force. But the Bill was, in fact, only a prize Bill; the title "Manning the Navy," was the old one, which had been adopted on all occasions, and which it had not been thought advisable now to alter. It had always been customary at the commencement of a war to pass a measure regulating the proceedings with reference to prizes taken in the course of that war. The last Act passed on this subject was the 55 *Geo.* III., c. 160, which became law three or four weeks after the battle of Waterloo. It was unnecessary to state to their Lordships that without an Act of Parliament, or rather without the preliminary permission of the Sovereign, all prizes belong to the Crown, by whomsoever taken. It had been customary, however, of late years, that those prizes should be ceded to the captors of the prizes rather than carried to the public account. For this purpose a proclamation was issued by Her Majesty, at the commencement of the war, and the present Bill was now before their Lordships for the same purpose as that of all the prize Acts that had heretofore been passed—namely, to regulate the proceedings which might take place in the adjudication of prizes, and the distribution of the proceeds of the capture. An Act of Parliament had, invariably, been passed with reference to the prizes taken by the Navy, and the distribution of the prize money; but their Lordships were aware, no doubt, that the practice as regards the Army was different. With regard to the Army, an Order in Council was sufficient. It would be now necessary that a new Order in Council should be passed with reference to prizes taken by the Army, and he had been in communication with the Paymaster General of the Forces on the subject. He hoped, as soon as this Bill had become law, to be enabled to lay before Her Majesty some measure for assimilating to a greater extent the laws of the two services. Up to the present time the greatest discrepancies had existed relative to the distribution of prize money in the Army, and it was very desirable that the practice should be placed on a footing more uniform and satisfactory. With regard to the measure for the Navy, it had always been the practice to vary the Bill according to the circumstances of the war in which the country was engaged; but all the prize Acts that ever had passed had been in their character and main particulars similar, differing only according to the circumstances. On the present occasion there were circumstances which differed from any former wars in which we had been engaged, and which required that in this measure some alterations should be made from previous measures. In the first place this was the first war in which we had been engaged in which at its commencement we had been in such intimate relation with an ally as we were at the present moment with France. That would make some difference in the Bills now before their Lordships, as compared with previous measures for the regulation of prize money. That morning a paper had been circulated and laid upon their Lordships' table, containing a copy of the convention which had been effected between Her Majesty and the Emperor of the French upon the subject; and by that and by the Bill now under consideration it was proposed to carry out the proposals which had been made on behalf of the two Governments. Another fault which had been found under the operation of preceding prize Acts, and which was now sought to be obviated, was the great delay which had taken place in the distribution of money, the proceeds of the sale of prizes. That also would cause a difference. Another complaint which had been made—and made with great justice—had reference to the enormous waste which had been allowed on former occasions, and more especially in the last war, in many parts of the world, although more especially in the colonies of this country than on the coasts of the British Islands. A further alteration in the present Bill, which was one of omission, had reference to privateering. Their Lordships were aware that at the commencement of the war a proclamation had been issued, stating that no privateers would be allowed; and, therefore, many of the provisions of previous prize Acts which applied to privateering were unnecessary and had been omitted. With the exception of these few points, the provisions of the present Bill were substantially the same as those which had been passed at the commencement of previous wars. The Bill contained the usual provision as regarded bounties; but to give effect to that clause, the further intervention of Parliament would be necessary, inasmuch as it had been the practice of Parliament to vote sums of money for the service after the termination of the war. These were the principal provisions of the Bill, which he had gone over as rapidly as possible, as he wished to reserve himself to answer any objection that might be made to the measure. The first clause of the Bill to which he expected some opposition would be made was the 15th. The provisions of that clause were new in substance as well as in form. The alteration which had been made in the present measure was in consequence of the enormous loss and waste which had occurred in the course of the last war, the enormous waste of prize money, which, in many instances, had not found its way to its rightful owners. He was afraid that some of those highly respectable gentlemen, the Navy agents of London, might feel that some stigma was meant to be cast upon them by the provisions of this 15th clause. Undoubtedly, whenever an alteration of this kind took place, and when parties who had hitherto enjoyed the exercise of certain rights and duties were deprived of them, there might be some appearance of stigma cast upon them. However, he might safely say, that no such intention had existed on the part of the Legislature, and certainly there was none on the part of the Government. Undoubtedly the Government had felt that the position of the Navy agents, in respect of the duties which devolved upon them in the late war, were anomalous and improper. The Navy agents were in reality bankers and accountants, and were charged with duties which could only be properly performed by gentlemen exercising the profession of shipkeepers. It was proposed that, instead of devolving upon those agents the duties which they undertook on former occasions—and they not only undertook the duties of bankers and accountants, but prizes, when taken, were handed over to them, sold by them, and the proceeds, after deducting their own expenses, paid by them into the hands of those entitled to them—it was proposed now that those duties, the delivery of the vessels seized, and the sale of them, should devolve on public officers, either on the Admiralty Marshal at home, or in the colonies, the collector of Customs acting as his substitute. He had already said that no stigma was meant to be cast on the Navy agents of this country as a class; but the Government were, of course, aware that among all classes of men there were some who were not as respectable and as solvent as they ought to be. Undoubtedly that had been the case, and great hardships had been inflicted upon the captors in former instances by failures that took place among Navy agents, by which failures those who were entitled to large sums of money had been deprived of them. During the late war, in the West Indies alone, the loss in this manner had been calculated at the enormous sum of two millions of money. Now, surely, when they were placed on the eve of a war, the duration of which it was impossible to calculate, it was very improper that our sailors should be subjected to those enormous losses of advantages which it was the intention of Parliament to confer upon them. He thought their Lordships would be more ready to acquiesce in the alteration now proposed, because it would be a great boon more to the men than to the officers. In the late war it was the practice for the Navy agents to make considerable advances to the officers; in many instances very nearly equal to the amount to which they were ultimately declared entitled, so that they had no further interest to expedite the sale. But the men stood in a totally different position; no advances were ever made to them; and, while they were always condemned to a considerable loss by the delay in the payment of the money due to them, they sometimes also totally lost, through these failures, all that they had become entitled to. To obviate this serious inconvenience, it was proposed, as he had already stated, that responsible public officers should undertake the duties formerly devolving on Navy agents. A further provision was also introduced, providing that sales of prizes should in future be all by public auction. The object of that provision would be at once recognised. It removed all individual and private interest. He believed it was an established and recognised fact as regarded ships in particular, that, when sold under a decree of the Admiralty, they fetched a much higher price when sold by auction publicly than when privately disposed of. He believed, therefore, that in framing that provision, while they provided for a larger sum to be eventually distributed, they provided also greater security as regarded the eventual payment of that sum, and less delay in its distribution than had heretofore been experienced. It was also to be considered that the guarantee of the public purse was given in this case, and yet no danger to the public purse was incurred by the responsibility undertaken by the Paymaster General. He had reason to believe, from a note that he had received from one of those gentlemen, that the Navy agents thought they were being deprived of all remuneration for their services. That was entirely an error on their part. A careful consideration was given to this point before the Bill was introduced. By the 2 *Geo.* IV. c. 20, s. 29, 2½ per cent was allotted as the Commission to Navy agents upon payment of all sums to those entitled to receive them. That Act had in no way been departed from; for, by the present measure, precisely as they were entitled at the present moment, so would they be entitled if the Bill passed. They were entitled to 2½, and no more; he referred, of course, to all officers except to a captain, for from that officer, on account of the much larger share that he received, the Navy agent was entitled to 5½ per cent. There was another Act of Parliament, the 4 *Geo.* III. c. 93, by which the captain of a vessel and his crew were, by a majority, enabled to appoint a Navy agent. A noble and learned Lord (Lord Brougham) had apprehended that after the passing of this Bill that power in a captain and his crew would cease to exist; but that was an error, for this Bill did not in any way alter either the 2 or the 4 *Geo.* III. By the 24th and 26th clauses of the Bill, a sale by public auction was provided, and the proceeds of the sale would be paid into the hands of the Paymaster General. By clause 33 an appeal is given to the Judicial Committee of the Privy Council instead of to Commissioners of Appeal, as was the case during the last war. A second objection raised by the noble and learned Lord was, that the Bill had a retrospective effect. He (the Duke of Newcastle) had yet to learn that that was the case; but even if it were, he believed it would be productive of no serious damage, as it could only apply to one or two cases of salvage. The noble Duke concluded by *moving*—"That the House be now put into Committee on the said Bill."

THE EARL OF ELLENBOROUGH said, that important as it certainly was to devise a good mode of keeping and dividing the prizes when captured, and however desirable it might be to propose new regulations, he confessed that there was in his mind a consideration more important still—to whom these prizes ought to belong. With regard to the Navy agents, all he would say was that formerly they had not only their commission of 2½ per cent, but they derived still further advantages from the keeping of the money for so long a time in their own hands. As that advantage was now to be taken from them, while their trouble was not to be lessened, he thought it was but just and fair that their commission of 2½ per cent should be increased. But the more important question was who should have the prize. With regard to the Bill itself, he was sorry that their Lordships had dispensed with discussion of the Bill on the stage of the second reading, for suggestions might have been made which would have led Her Majesty's Government to prepare Amendments for the Committee. That was now too late; and he was afraid the Bill would become an Act of Parliament in a very imperfect state, and likely to inflict great injury; for nothing could be more injurious than that at the commencement of a war Parliament should so legislate with respect to prizes, as to run the risk of creating misunderstandings and heartburnings between the two services—the Army and the Navy—which should have every inducement to act together. It must be remembered that this war—more especially in the Black Sea, which was the great theatre of operations—would be carried on by the Army and Navy in conjunction, and therefore all regulations with respect to prizes should be adapted to the new state of things which must necessarily arise. But what was the state of the case? They had seen arrangements entered into between the English and French Governments; but then that only concerned the co-operation of the fleets of the two countries, and no mention was made of an arrangement between the armies and the fleets. It was most strange, too, that although provision was made for a division in the case of the co-operation of the allied fleets, none was made for the co-operation of the allied armies, or even for the co-operation of our own Army. Suppose the case of a combined operation of the allied fleets and armies for the purpose of taking up a position in respect to the port of Sebastopol, by which the Russian fleet were either destroyed or compelled to go out to meet the blockading ships—could it be said that the Army, which had co-operated in this result, should have no share in the capture or destruction of the enemy's fleet? Yet no provision was made for giving prize to the Army which should have so co-operated. The next clause related to the capture by Her Majesty's ships of a fortress—and so careful had the gentleman who drew the Bill been, in order to be precise, that he actually provided that it should be "a fortress upon land." The whole property was to belong to the captors. Here, again, there was no provision for the allied fleets, for the allied army, or for our own Army. The Bill certainly contained a clause which provided for conjoint operations of the Navy and Army; but that clause had reference only to our own Army, and not to the allied army. Indeed, in these respects, he must say that he did not recollect to have ever seen a Bill of so important a character drawn so carelessly. He must also draw attention to the provisions in the 6th clause. It provided that the officers and crew of any of Her Majesty's ships who took any fortress upon land, or any vessel in any river or creek belonging to or defended by such fortress, should have prize. He wished these conditions to be noticed. The river in which ships were taken must be defended by a fortress, and the fortress must be taken. No provision was made for the case where the fortress was not taken, but where the ship was cut out; and in order to make the ship a prize, she must be in a river or creek belonging to or defended by a fortress. So that the safest place for enemies' ships to go into would be an undefended river or creek, because there would be no inducements for our seamen to follow them, except public duty, inasmuch as they would not be prizes except they were taken in a river or creek belonging to or defended by a fortress. The next clause, the 7th, supposed a conjoint operation of Her Majesty's Army with the Navy, not merely against a fortress, but against a possession; and here a different rule applied. All these were matters of great importance, and he hoped Her Majesty's Government would take them into serious consideration. The rule which had prevailed in the Navy with respect to prize was entirely different from that prevailing in the Army; but he apprehended that no attempt would be made to alter it as far as concerned the Army. In the Army, all the forces participated in the prize whose position could be understood to have contributed to the capture, however distant they might be from the place where the capture was effected. It was so held in the Deccan, in Scinde, in Spain, and at Waterloo, and, in fact, in was the general law of the Army. But in the proclamation, which he believed was framed in conformity with the ancient practice, it was declared that—

> "Ships or vessels being in sight of the prize, as also of the captor, under circumstances to cause intimidation to the enemy and encouragement to the captor, shall be alone entitled to share as joint captors."

It was much to be regretted that no attempt had been made to render the rule clear, in order that suits might be avoided. To this end two points ought to be considered—the matter of fact and the matter of opinion. The matter of fact was, whether the ship was seen, at the time of the capture, by the captor, and by the vessel taken; the matter of opinion was, she was seen under circumstances which tended to intimidate the vessel taken and to encourage the captor. There was no security whatever in any case, except where the ship was actually near, that the question might not have to be submitted to a judicial tribunal. Now, it was most undesirable that brother officers should thus be compelled, as it were, to resort to court of law with each other in order to settle their claims; and in order to avoid this evil some clear rule ought to be established. Suppose the principle of distribution of prize which prevailed in the Army was established, and there was a combined operation of the Army and the Navy to get possession of a place or fortress. If the place were captured by the Army whilst the naval part of the force were not in sight of the fortress at the time of capture, that naval force would not, under the provisions of the existing proclamation, share with the military in the advantages derived from the capture. Now, it was most impolitic to permit the existence of such a state of things. Again, if a ship were taken, head money was allowed at the rate of 5*l.* a man. It was more difficult to take a fortress than a ship; but if a fortress were taken no head money was allowed; although a fortress might be taken by the well-sharpened cutlasses of Her Majesty's seamen. Such were some of the omissions in the Bill. Of course, their Lordships had not the power to supply them; but he hoped the Government would adopt the same rule in both cases—that where a fortress was taken the rule should be exactly the same as where a ship was taken. But he must add that it was certainly a subject of great doubt whether, in a war so peculiar as the present, it was advisable to adhere strictly to the old naval principle in respect to the right of prize. In the Baltic and in the Black Sea the enemy's fleet was confined to port. The port was blockaded by the line-of-battle ships, which blockade enabled all the smaller vessels, without any risk or danger to themselves, to take prizes. The smaller vessels then got the prizes; but the men serving in the line-of-battle ships blockading the ports, and who had the hardest work, would get nothing, unless the enemy's fleet should happen to venture out. In that case, in the event of victory proving on our side, which he could not doubt, they would obtain prize money. But the hardship of the case was that the smaller vessels would also share in the prize, although they might not assist in the battle. This was an anomaly which ought to come under the consideration of Her Majesty's Government; and he suggested that, considering the peculiarity of the war, the strictness of the rule ought to be modified. The Bill was a Bill for "the more effectual manning of Her Majesty's Navy;" and the object was to get men to man the large ships. But it said to the men who were asked to man these ships, "Prize money you shall have none; the prize money shall all belong to the smaller ships, because they alone will have the opportunity of obtaining it." In the last war there was danger in attempting to take prize, here there was none at all, for the smaller vessels took it, while the line-of-battle ships did the real work. Of this, however, he was sure, that, as combined operations of the Army and Navy were contemplated, it was most desirable that in respect to all combined operations, there should be only one rule—that the naval man should not feel that he was fighting by the side of the soldier, and exposed to equal risk, without the chance of getting anything, while the soldier was to share in the prize. Such a state of things was contrary to equity, and it could not be allowed to exist. In conclusion, he expressed his conviction that material alterations were required in the Bill, in order to give satisfaction to the two services, and for the purpose of avoiding misunderstandings among the men engaged in the war.

THE EARL OF HARDWICKE said, he was not going to advocate the cause of the Navy or prize agents, but the cause of the officers and seamen of Her Majesty's Navy; being extremely apprehensive that under the system which the Bill before them proposed to establish, the distribution of prize money would not be so carefully watched over or so quickly paid as under the operation of the system which had hitherto prevailed. It was right that the House should understand what that system was, because there had been a mixing up of the two subjects, the prize agency in the Navy and the prize agency of individual officers. Under the old Act of Parliament, the mode in which prizes had been dealt with upon reaching this country was as follows:—They were received by men who had been appointed under the Act of Parliament, termed prize agents, who dealt with the captured property, after a decision passed in the Court of Admiralty, by sale, and divided the proceeds of that sale in conformity with the provisions of the law. The mode in which those agents were appointed was somewhat peculiar. They were chosen by the captain and officers of each ship, in conjunction with the majority on board, in whom the authority to make the selection was properly vested. That system enabled the officers and the ship's company to have in existence in England an agent who represented their wishes and desires in this country with respect to the disposition of their property. Now, he would ask whether it was not a matter of the greatest importance to the captors that in their absence there should be certain parties in those ports at which the prizes might arrive in whose ability to serve them, and to dispose of their property to advantage, they might implicitly rely? Yet the Bill under their Lordships' consideration altogether ignored persons of that description, and proposed at once to deal with the captured vessel, by handing her over to the Admiralty Court and placing her in the hands of the Queen's proctor, who was to carry on the whole process connected with the matter—both for the Crown upon the one side and the captor upon the other. He had been informed that there was a case now pending in which the captor of a vessel which had been taken in the Baltic, and which had been put into the port of Hartlepool, had been offered 500*l.* for the ship. He was, however, unable to sell her, inasmuch as no decision had at the time been come to with regard to her by the Admiralty, and the consequence had been that the vessel was now about to be sold for 200*l.*, and the loss of the remaining 300*l.* might be attributed to the fact that the captor had no agent to take charge of his interests. The noble Duke said, that under the present Bill prize agents would still be enabled to act; but that was entirely a fallacious statement, for there was in the measure before the House no provision which set up anything whatsoever in the shape of prize agency; and he must be permitted to observe with reference to the imputation made against prize agents, "that there was much delay connected with the system under which they acted"—there existed in reality no greater amount of delay than had been rendered necessary by the operation of the clause of appeal, and the law had been altered even to meet that case. It had also been stated that considerable sums of money had been lost through prize agents. There could be no doubt that in the Colonies, in consequence of the character and position of the gentlemen who had been there employed as prize agents during the war, considerable loss had accrued in many instances to the captors; but he believed that neither in this city nor in the various ports throughout the country in which prize agents had been employed, had there been any instance of similar losses having been incurred. The whole of the agency proceedings was now to be done in the Marshal's office, and, considering the probable length of the war, he doubted whether the present machinery would suffice. He was perfectly sure that the loss to the captors in time and money would be more than a set-off to any advantages which they might gain, and that they would be deprived of many of the comforts and advantages they derived in the way of advances and in other ways under the old system of prize agency. Nothing could be more fallacious than the statement of his noble Friend, that though advances had been made to the officers no advances had been made to the men. His noble Friend was also mistaken in saying that there was nothing of a retrospective character in the Bill. Certain words in the fifth clause evidently showed that it would have a retrospective operation, and that it would have a very serious effect as regarded agents. A great number of important cases were at present pending, and if the Bill passed in its present shape the Navy agents would be unable to recover any remuneration. Comparing the advantages of the old system, and the disadvantages of the new system, he must say, that if ever he was again called on for active service afloat, he should infinitely prefer to have the advantages of the old system grounded on Act of Parliament, by which the captors could appoint a trustworthy agent to look after their interests in this country, to any system which would intrust their interests to the hands of a Government officer.

LORD COLCHESTER said, that the principle as regarded prize money in the Navy was very different from that which regulated the distribution of prizes in the Army, and he was firmly of opinion that in joint operations of the naval and land forces only one principle should be acted upon. In the Navy prize money was distributed among those persons only who were present at the capture; but in the Army it was distributed among those who had been instructed to be present. He did not wish on the present occasion to express any opinion as to which of those principles ought to be acted upon in joint operations, for that might form matter for much consideration; but he was firmly convinced that only one principle ought to be acted upon. As to the question as to whether the prize should be delivered to a Government officer or remain in the hands of private agents, he very much concurred in what had fallen from the noble Earl who last addressed their Lordships, that it was much more advantageous to the captors that they should employ private agents. There were two questions which he wished to put to the Government as to the operation of the measure. Under the old system there was a great convenience existing from the power of defraying small sums which might be necessary, and he wished to know if that convenience would continue to exist? It also sometimes became necessary to insure vessels, and that was formerly done by the agents, and he wished to know what would be the course adopted as to effecting insurances under the present system? He also wished to observe, with regard to the suggestion that captors had incurred loss in consequence of the failure of agents, that it had sometimes occurred in foreign ports that an agent had become bankrupt, but he did not think that such a thing had ever taken place in London.

THE DUKE OF NEWCASTLE would as briefly as possible reply to the objections which had been urged by the three noble Lords who had last addressed the House against the measure. With regard to the charge of establishing a public officer in the place of prize agents, it had been suggested that there would be some hardship, inasmuch as the agents would have the same trouble as before, but would not have the same remuneration; but, in point of fact, the agents would not have the same trouble, and they would receive certain commissions, and their whole disbursement and costs would be allowed to them. With regard to the advantages to the captors of having an agent to sell the prizes in the present war, that would not be of any considerable advantage, for the agent would not be on the spot, as a great many prizes would be sold in foreign ports. He thought that in the case referred to by the noble Earl of a prize being sent from Hartlepool to London, and so having suffered a deterioration of 300*l*., it was to be considered that it was not by any means certain that 500*l*. had been offered for the ship, although it was just possible that some person might have casually remarked that she was worth 500*l*., and he thought that the noble Earl would admit that in general, with rare exceptions, vessels bore a higher value in the port of London than in any other port in the kingdom; but even if that were not the case, the Bill contained no provision which prevented a prize being sold in any other port. The main provision of the Bill was, that, prizes should be sold by public auction, instead of, as hitherto, by private sale, and that, he conceived, every one must allow to be a great advantage, for although, undoubtedly, as a body, the Navy agents were a very meritorious class of men, still there were some doubtful characters in every class, and a public sale would be far more effective in preventing anything like jobbing than a private sale; in fact, it would preclude the possibility of it. With regard to the statement of the noble Earl, that no prize agents had failed in this country—[The Earl of HARDWICKE: During the war.] He begged the noble Earl's pardon for having misunderstood him, but another noble Lord (Lord Colchester) had not confined himself to the period of the war, and he could assure him that he was completely mistaken. He could not be expected to mention names, but he could inform the noble Lord that, out of thirteen failures of agents, eight had taken place in London, and two of them as recently as within the last seven years. The noble Lord had asked him two questions, to which he was most happy to give an answer. The noble Lord stated that under the old system a convenience had existed from the agents defraying small necessary expenses, and he wished to know if that would continue under the new system. He could say, in answer to that question, that the agent would be able to take out a power of attorney to defray small necessary expenses; and, with regard to the second question, instructions had been given to the Marshal of the Admiralty to insure all vessels in every case. A noble Earl who had addressed their Lordships had raised an objection of another character to the Bill. He had objected to it on the ground that there was no provision in it to regulate the distribution of prize money in conjoint operations of the naval and land forces. It had been considered by the Government that, until this measure passed into a law, the time had not arrived for undertaking to deal with that question. The provisions of this Bill were based upon former practice, and, although he was ready to admit that there might be inconvenience from the fact of two different principles coming into play in the case of joint operations, still, at the same time, he was of opinion that the disadvantages which would accrue from a change would more than counterbalance any advantage gained by departing from a system which had been found to work sufficiently well in previous wars. A change in the system would, he thought, give rise to numberless questions, and he could not help thinking that, on the whole, the arguments used were rather in favour of adherence to the present system. The course which had been adopted in the present Bill had been adopted after consultation with eminent naval officers, and after the most careful consideration by the Board of Admiralty. Another suggestion had been made, that the payment of head-money should be extended to the cases of capture of fortresses as well as of ships; but he thought the principle was liable to abuse, and it would hardly be safe to give to it any greater extension than it now had. In some such cases particular grants had been made by Parliament, which secured every object of pecuniary reward in a sounder and more effectual form. It was a mistake to suppose that the Bill would have a retrospective effect. The measure was to come into operation on the 1st of June, and its operation would only date from that period, and have no retroactive effect whatever.

On Question, *Resolved* in the *Affirmative;* House in Committee accordingly: Bill *reported* without Amendment: an Amendment made, and Bill to be read 3^{a} on *Tuesday* next.

House adjourned to Tuesday next.

HOUSE OF COMMONS,

Friday, May 26, 1854.

MINUTES.] PUBLIC BILLS.—1° Stamp Duties; Jurors and Juries (Ireland); Customs Duties (Sugar and Spirits).
3° Middlesex Industrial Schools; Gaming-Houses.

WAYS AND MEANS—SPIRIT AND SUGAR DUTIES.

Order for Committee read.

House in Committee on Ways and Means.

MR. J. WILSON said, it would be remembered that upon a former occasion his right hon. Friend the Chancellor of the Exchequer had moved an addition to the duty on Scotch spirits; and in rising to move the Resolution, it was necessary that he should enter into a short explanation. There had been for many years complaints from the distillers of Scotland regarding the difference of the duty as it affected the distillers of malt whisky and the distillers of whisky from grain. It was alleged that the drawback hitherto allowed on malt whisky had not been in proportion to the amount of the duty paid on the malt; and that, therefore, in reality, the malt distiller had to pay not only the ordinary spirit duty, but also an additional duty on malt; and it was understood between the different spirit manufacturers, that the disadvantage under which the malt distiller laboured, prior to the recent alteration in the malt duty, was equivalent to about 6¼*d.* a gallon. The old duty on spirits in Scotland was 4*s.* 8*d.* a gallon upon spirits of all descriptions. The proportion of malt in the manufacture of grain spirit was equivalent to 1½*d.* per gallon, and, therefore, the gross duty, including the duty, the malt duty, and the spirit duty, was 4*s.* 9½*d.* so far as regarded grain spirit. As regarded malt spirit, the same duty of 4*s.* 8*d.* was charged, but the proportion of malt in a gallon represented a duty of 1*s.* 4¼*d.*, making a total of 6*s.* 0¼*d.* The rule was that one-half of the malt duty, or 8¼*d.*, should be returned in the way of drawback in respect of malt duty, leaving 5*s.* 3¾*d.* net duty, or 6¼*d.* more than was paid for the grain spirit. Now, whether that was right or wrong—right as maintained by the grain distiller, and wrong as maintained by the malt distiller—yet for a great number of years it had prevailed, until it had become almost sanctioned as the relative proportion between those two descriptions of manufacturers. The recent alterations of the malt duties, however, would materially aggravate the disadvantages under which the malt distiller laboured. The new duty on spirits was 5*s.* 8*d.* a gallon, and the new duty on the proportion of malt in grain spirits was 2*d.*, making the duty on grain spirit 5*s.* 10*d.*; but the new duty on malt spirit was 5*s.* 8*d.*, and the new duty on the malt 2*s.*, making 7*s.* 8*d.*, instead of 6*s.* 0¼*d.* as formerly, and if the drawback were calculated on the old principle—that was, if one-half of the new malt duty, or 1*s.* 0½*d.*, were returned as a drawback—it would leave 6*s.* 7½*d.* as the gross amount of the duty, or a difference of 9½*d.* between the two kinds of spirits, instead of 6¼*d.* as formerly. It therefore became the duty of the Government to listen to the representations made by the Scotch distiller, who complained of this increase of the distinction. As the increase of the malt duty was for a special and temporary purpose, it was thought fair that no one particular interest should be specially prejudiced. It was therefore arranged by the Government, in conjunction with a deputation from the distillers of Scotland, that the drawback on the malt spirit should be fixed at such a sum as to leave the distillers of malt spirit exactly in the same relative position with regard to grain and malt spirit that they held before; that was, that the duty should be adjusted so as to leave a difference of 6¼*d.* a gallon as formerly. It was also represented by the Scotch distiller that he should have a drawback on exportation to England. At present there was a difference of 1*s.* 2*d.* a gallon, but by the recent increase of the malt duty the difference would be increased to 1*s.* 10*d.*, and it was arranged that the drawback on spirits coming from Scotland to England should be increased 8*d*. a gallon. A similar arrangement had been made with regard to Ireland. In carrying out these two objects, a considerable loss of revenue would be caused, amounting, according to the estimate of the Excise, to no less than 106,000*l*. In order to make up that loss it was proposed to increase the duty on spirits in Scotland 4*d*. a gallon, in addition to the 1*s*. previously added. This was in strict accordance with the feeling of the Scotch distillers and of Scotch Members, and would be in perfect conformity with the principles of the adjustment now proposed. The loss, he had stated, would be 106,000*l*., and the additional duty would yield 108,000*l*. When the Excise Duty Bill was in Committee, some returns were referred to for the purpose of showing the difficulty of obtaining an increased revenue from home-made spirits, on the ground that the increased duty would occasion smuggling and illicit distillation. He did not think that there were any sufficient grounds for this assertion. It appeared by returns he had received, that from the 5th of April, 1852, to the 5th of April, 1853, the consumption of spirits in Ireland and Scotland had been respectively 9,820,000 gallons and 7,172,000 gallons, as compared with 10,350,000 gallons, and 6,534,000 gallons in 1853-54. The total consumption of the two countries, therefore, had been 16,992,000 gallons in 1852-53, under the low duties as against 16,934,000 gallons in 1853-54 under the increased duty. When it was considered what efforts had been made during the past year to instil into the people habits of greater sobriety, he should not think, judging from those figures, that there had been any great increase of smuggling in consequence of the augmented duty. He should have some other Resolutions to move, all consequent upon this. There would be an increase of the rum duty in Scotland to equalise the duty on spirits. He should also have to move another Resolution with regard to another subject. He had already moved Resolutions increasing the duty on sugar, and it would be necessary to move increased rates of duty on beet-root sugar manufactured in the United Kingdom. The manufactories in this country were exceedingly small, but there were some. The hon. Gentleman concluded by moving the Resolutions.

Colonel DUNNE thought it very unwise further to raise the amount of the duty upon spirits. It had been three times attempted already, and had signally failed, and he did not believe that it would add so much to the Exchequer as was anticipated.

Mr. HUME said, that the only question which the Government had to consider was, whether the increased duty would lead to illicit distillation. He did not think that it would; and, so far from being an improper step, he thought that the Government should raise the duty upon spirits to the highest possible point that might be safe without leading to smuggling and illicit distillation.

Mr. CUMMING BRUCE concurred with the hon. Member in his views with respect to the increase of the duty, and his general approval of the measure now proposed. It would very much tend to prevent illicit distillation, if landlords would insert a clause in their leases, the effect of which would be a forfeiture of them on the part of the tenant whenever he was discovered working an illicit still.

Resolutions *agreed to*. House resumed.

EXCISE DUTIES BILL.

Order for Committee read.

House in Committee.

Mr. J. D. FITZGERALD moved, as an Amendment, to leave out in several parts of the schedule the words "on or," the effect of which would be to cause the additional duty on whisky to be levied as in the case of the other articles of the Bill, "from and after," and not "on or after," the 8th of May. The hon. Member said, that, although the alteration was but slight, still, if not adopted, it would give rise to much irritation, as on Monday, the 8th of May, when the Chancellor of the Exchequer made his statement, large spirit contracts had been entered into by persons who were wholly unaware of the additional duty; and, as whisky was the only article in the present Bill which was made the subject of retroactive legislation, he trusted Government would accede to his Amendment.

The CHANCELLOR of the EXCHEQUER was sorry that it would be utterly incompatible with his duty to consent to the proposal of the hon. and learned Gentleman. In the present instance, the principle upon which the House uniformly acted had been pursued, namely, to make duties chargeable on the day on which the Chancellor of the Exchequer made his statement to the House. If the proposal of the hon. Gentleman were assented to, see what would be the effect. The financial statement was made at five o'clock in the afternoon, and the increased duty would not be chargeable until midnight. As soon, therefore, as the intentions of the Government became known information of them would be instantly conveyed by electric telegraph into every part of the United Kingdom, and the spirit dealers would have some hours during which they would be able to make contracts at the old rates to the extent of many hundreds of thousands of pounds. The Government, in refusing the proposal, were therefore able to entrench themselves, not only behind a precedent, but also behind reason.

MR. V. SCULLY thought the Government could only entrench themselves behind a precedent, and that only a bad one. The same principle, however, had not been extended to sugar and molasses.

MR. J. D. FITZGERALD could not concur in the statement of the right hon. Gentleman. The duty was paid, not with reference to the date of the contract, but at the time at which the spirits were taken out of bond. Now, the Budget was not proposed until seven or eight in the evening, whereas all the bonded warehouses in the empire were closed at three.

Question put, "That the words 'on or' stand part of the schedule."

The Committee *divided*:—Ayes 146; Noes 40: Majority 106.

House resumed. Committee report progress.

INCOME TAX (No. 2) BILL.

Order for Committee read.

House in Committee.

Clause 1.

SIR HENRY WILLOUGHBY trusted that the right hon. Gentleman had not entirely given up the hope of removing some of the glaring inequalities of this tax. Upon those inequalities he would not now dwell; but he could not help mentioning one of them — the case of the Long Annuitants. The Long Annuities would expire in 1860, and it was likely that the Russian war would last until then. Now, supposing a person had invested 88*l.* on the 1st of May in Long Annuities, he would have to pay 1*l.* 2*s.* 2*d.* a year for income tax; whereas if he had invested the same money in three per cents, he would only have to pay 3*s.* 6*d.*; and, supposing that the war lasted till 1860, he would have to pay altogether 5*l.* 8*s.* 5*d.* on the Long Annuities, whereas he would only have to pay 16*s.* 2*d.* on the three per cents. It was a breach of faith to tax this class of property in this unequal manner. A great quantity of algebra had been expended before the Income Tax Committee, in order to show that if the income tax were perpetual it would come to the same thing if they invested their property in either way; but as nobody could expect to live for ever, he did not think that that was very satisfactory. He did not deny that the Long Annuitant ought to be taxed, but he had a right to be taxed fairly; and, in a case where a question of justice was involved, no argument *ab inconvenienti* ought to be allowed for a moment to prevail.

THE CHANCELLOR OF THE EXCHEQUER said, the hon. Baronet had raised one of the most important and one of the most intricate and difficult questions that had ever attracted the attention of Parliament, at a moment when not one-tenth of the Members were in the House, and when not one-tenth of those who were actually present, were attending to the subject. It could hardly, therefore, have been introduced at a moment more unpropitious for any real progress towards the solution of a problem which he for one thought never could be solved. But whether it could be or not, his answer must be this—namely, that it was a very grave and difficult question, which, whenever considered at all, could not possibly be considered, or justly considered, with reference to one class alone. It was true that the case of the Long Annuitants differed from that of other classes, inasmuch as it admitted of a very clear and arithmetical statement; but, as regarded the substantial justice of the matter, the Long Annuitant was not differently circumstanced from other persons possessed of temporary incomes. He had never given any promise to attempt the adjustment of the tax upon temporary and permanent incomes, and he rejoiced that he had not, for that would have been a promise which he owned he should not be able to redeem. But nothing could be more irrational than to say that he ought to select one class of persons having a temporary interest and give allowances to them, and leave every other class of persons having temporary incomes to the full sweep and stroke of the tax. He doubted whether the case of the Long Annuitants was, after all, the strongest that might be adduced. A great portion of these Long Annuities were created in the midst of a war, when they were subject to an income tax of 10 per cent, and when there was a reasonable prospect that they would continue to be liable to deduction; and therefore, if theirs was the only case they had to deal with—if there were no professional men, no merchants, no traders, no poor widows living on annuities, and with children unprovided for—or if there were none of those countless myriads or hardships that would start up around them as soon as they fairly approached the question, it was doubtful whether they (the Long Annuitants) would be entitled to relief. So, too, if they looked at the matter merely with reference to our own times, they must remember that they had now had an income tax for twelve years, and every bargain which had been made in Long Annuities during that time had doubtless been made with the fullest expectation that they would be liable to deduction on that score. What he wished, then, to impress upon the Committee was, that it would be the grossest injustice and a gross piece of legislative favouritism to attempt to make any exception in favour of any one class of temporary incomes, especially in favour of a class like the Long Annuitants; and that it was quite impossible that Parliament could ever consent to entertain a proposal so partial, so exceptionable, and so unequal as that which had been made by the hon. Baronet.

MR. HUME said, he could not sit still and hear the right hon. Gentleman treat the proposal of the hon. Baronet in the manner he had just done. The hon. Baronet had not asked for a special exception in the case of the Long Annuitants. He had denounced the tax as being full of irregularities, and he had merely quoted the Long Annuitants as one example, and had naturally asked whether there was any hope of an amelioration. The truth was, there was not a corner in the tax—not a single clause in the Bill—which did not involve an injustice; and that injustice was of a nature that admitted of an easy remedy. He must say he had never known the Report of a Committee that contained so many incontrovertible facts, and that had met with so little attention as that upon the income tax. No matter what the difficulties might be, the Government ought to grapple with them, as a gross injustice had been shown. He hoped they would take the question of these adjustments into their serious consideration next year.

MR. WILKINSON said, the case of the Long Annuitants involved a breach of faith, because there was a special contract that the funds should not be taxed.

COLONEL DUNNE complained of the uncertainty in Ireland in the mode of levying the tax, and of the hardships to which landed proprietors were subject, through the tax being charged on the poor-law valuation, where the property was let on a long lease at a low rent. The consequence was that the proprietor often paid on more than he received. It was said the parties might get the tax so paid remitted, but this could only be done after a long interval, and with a great deal of trouble. Steps ought to be taken to regulate the practice which prevailed, of either charging the tax on the tenant or the owner.

THE CHANCELLOR OF THE EXCHEQUER said, that if the hon. Gentleman had brought forward this matter at the time when the income tax was extended to Ireland, his representations would have been listened to. The Act was to a great extent experimental; and last autumn the Government had thought it right to appoint two Special Commissioners. The Government had heard no complaints, and though they had anticipated much difficulty in levying the tax in Ireland, it had turned out comparatively an easy financial operation. The cases referred to by the hon. Gentleman must be isolated instances. Ample provision had been made for appeal, not to the assessors, but to the special Commissioners. The first half-year's tax, obviously the most difficult, had now been collected; and so little necessity had there been for the interference of the Special Commissioners that the Government had not thought it necessary to continue their employment, and one of them had already been removed to England. Any particular cases of annoyance or inconvenience that might be represented to the Treasury would receive due attention.

MR. URQUHART begged to corroborate the statement of the Chancellor of the Exchequer as to the facility with which the tax had been collected in Ireland.

Clause *agreed to,* as were the remaining clauses, and a new clause was added.

In answer to Mr. HENLEY,

THE CHANCELLOR OF THE EXCHEQUER said, the object of this new clause was to provide for the payment of the tax on Exchequer bills, and other property, for fractional parts of a quarter. Its effect was to make these securities only liable to the 7*d.* tax until the 5th of April last, and to the tax of 14*d.* from that date till the day on which they expired in June.

Mr. HENLEY asked if the clause would apply to mortgages?

The CHANCELLOR of the EXCHEQUER said, that was an entirely different case. Mortgages did not, like Exchequer bills, necessarily expire at the end of the year, but were of a more permanent character. Exchequer bills passed from hand to hand, the practice being for the buyer to pay the interest for the current half-year to the seller, allowance being made for the tax. Without some provision of this kind, those who had purchased Exchequer bills in the last three or four weeks would be out of pocket, having only calculated the half-year's income tax at 7*d.*

Mr. WALPOLE said, that the holders of funded property would all be taxed unduly, as well as the holders of Exchequer bills.

Clause *agreed to.* House resumed.

Bill *reported;* as amended, to be considered on *Monday* next.

OXFORD UNIVERSITY BILL.

Order for Committee read; House in Committee.

Clause 20.

Mr. WALPOLE said, they had now arrived at a new portion of the Bill—that which gave legislative powers to the Congregation. He had no intention of opposing this clause, but he wished to call attention to its important bearing relative to the next clause but one—the 22nd clause—and to ask some explanation. By Clause 20, any individual member of Congregation might propose amendments to any Statutes propounded by the Hebdomadal Council in writing, and, as far as he could conjecture from the Bill, without deliberation or discussion. By Clause 22 Congregation would deal with Statutes sent down by the Hebdomadal Council not in their original, but in their amended form—that was to say, the form in which they might be amended by any or all of the members of Congregation acting individually. But Clause 22, which gave powers to Congregation as a body to deal with these Statutes, gave not the power of amendment, but that of debate. He wished to ask whether he was right in his interpretation of the two clauses, that individual members might amend without discussion, and the collective body discuss without amending? It seemed to him such a provision would lead to perpetual confusion, and was inverting the order of things in which they ought to proceed, discussion preceding amendment instead of amendment preceding discussion.

The CHANCELLOR of the EXCHEQUER thought the right hon. Gentleman had been misled by the language of those two clauses, and the consequence he had drawn was therefore unreal and fictitious. There was no distinction between one member of Congregation individually and the members of Congregation collectively. Clause 20 commenced with the word "any," and Clause 22 with the word "the," which had probably led the right hon. Gentleman into error: but if he liked uniformity, there would be no objection to make Clause 22 commence "any" member, instead of "the" members. He proposed, in Clause 22, to insert the word "first" before "promulgation." By Clause 20 they would give a power of amending, but they did not say anything about discussing. That matter was left in the hands of the University itself. By the two clauses they secured a power of suggesting amendments and a power of discussion. He did not think it would be wise to secure that power of discussion beyond what was judged absolutely necessary. There did not appear to be any reason to meddle with the power of discussion beyond securing one single occasion, and by Clause 22 they did secure that occasion. With regard to the power of suggesting amendments, they secured that likewise on a single occasion. If they were right in those two objects, they were right in the order in which they laid them down. It would be a very strange state of things if they provided in Clause 20 a power of discussion, preceding the power of suggesting amendments, and then not provide for the power of discussing the Statute again when submitted to the final vote. Surely the right hon. Gentleman would not recommend that course, but would provide an opportunity for debate after amendments were suggested. The right hon. Gentleman seemed to have fallen into some confusion from supposing it was the intention of the Bill to provide exactly the amount of privilege to be exercised by these various parties in the course of the business of legislation. That was not so. They laid down in the Bill those things which Parliament held to be absolutely necessary to have laid down, and left the parties as free in the exercise of the powers of legislation as possible.

Mr. WALPOLE said, that, owing to the use of different words in the two clauses, the Bill had been understood in the University of Oxford as he had mentioned. He certainly did not think that the mode adopted in the Bill was at all calculated to ensure the satisfactory discussion and amendment of Statutes. Instead of these three clauses, there should have been one clause, or at most two, giving power to the Congregation to deliberate upon the Statutes, to send up amendments to the Hebdomadal Council, and again deliberate when the Statute came back from the Council. He suggested that the clause should be amended by leaving out the words "Any member of," and substituting the word "the." He thought the power to send up amendments to the Hebdomadal Council should be in the Congregation as a deliberative assembly, and not in every individual member of it, which he was convinced would lead to great difficulty and confusion.

Sir WILLIAM HEATHCOTE said, his right hon. Friend (Mr. Walpole) might or might not be right in the view which he took as to the best method of dealing with this question; but he had evidently left out of sight the present state of the law of the University, and of the powers now existing, which it was the object of this clause to enlarge. At present the Hebdomadal Board might frame any measure it thought fit, and send it down to Convocation, and no member of Convocation could propose, nor could Convocation itself debate, any amendment. They could only vote "aye" or "no" upon the question, and come to that result as the end of their proceedings. Now, he understood that the object of this clause was to put Congregation in the place of Convocation, and to authorise it to say "aye" or "no" upon any measure which might come down for its consideration; but inasmuch as the mind of individual members of Congregation could not be known to the initiative Board, which in this case would be the Hebdomadal Council, it was proposed that they should have the power of making known to the Hebdomadal Council such amendments as they might think fit. Now this was not the case of one individual living at Oxford, making known to another individual living at Oxford, what his views were upon any particular measure in which the University was interested; but it was the case of members of Congregation moving—not in the Congregation, but in the Hebdomadal Council—such amendments as they thought fit, which amendments the Hebdomadal Council would consider, and, if it approved of them, would adopt them; and then the measure so amended would be sent down again to Congregation, who would say "aye" or "no" upon it. The clause appeared to have been framed for the purpose of preventing debate from running to an indefinite length, which must be the case where individual members had a power of proposing amendments in an assembly where a debate took place. This might or might not be a good object, but it was at all events an enlargement of the present powers, although it did not go to the full extent which his right hon. Friend desired.

Mr. PHINN said, that the machinery proposed was altogether unnecessary to enable an individual member of Congregation to communicate to the Hebdomadal Council his own views and feelings with reference to a particular measure. It seemed to him that the principle affirmed by the clause came to this—that Convocation was in effect merely to register the decrees of the Hebdomadal Council. A higher question was, however, involved—namely, whether in the present day it was desirable to maintain a principle of having an assembly composed of all the best minds of the University, limited and restricted in their discussions by a Board superior to them, and proposing certain matters merely for their adoption or rejection. He objected to such an assembly being restricted and limited in any such manner. They did not attempt to impose such restraints upon town councils nor upon other public bodies to whom they intrusted powers; and he should suggest that this and the following clauses be struck out of the Bill.

Mr. HENLEY said, that a new governing body having been constituted, the Committee was now invited to go into a number of minute regulations as to the mode in which it was to carry on its work. The governing council was to frame Statutes, and to write them in any language they pleased. After framing a Statute, they were to give due notice of it; but the meaning of "due notice" was not stated. Then the ceremony of promulgation was to take place. After that, they were to be proposed in Congregation, when amendments might be proposed by any member of the Congregation in writing to the Hebdomadal Council. The object of these regulations was twofold. It was first intended to enable members to suggest views upon which, in their opinion, legislation ought to take place. The right hon. Gentleman, it appeared, intended to narrow the proposition to the first promulgation, but by so doing he would throw immense difficulties in the way of legislation, and put a check upon the University doing anything. He did not understand whether it was intended that Congregation should discuss and propose measures—to discuss matters not sent down to them by the Council. He did not understand what their jurisdiction would be, and whether they could discuss an amendment before it was sent to the Council.

THE CHANCELLOR OF THE EXCHEQUER apprehended certainly not by this Bill.

MR. HENLEY submitted that the proposition now under consideration would bring matters to a dead lock. It was desirable to give the resident body the opportunity of making their minds fully known to the governing council, in order that they might by means of a Statute be brought into a shape most likely to meet the wishes and wants of the University, and then it would be likely to receive the assent of the Congregation. He doubted whether it would not be wiser to leave all this to the University itself. If legislation was to take place, care ought to be taken to make the measure work properly, otherwise a statutable chain might be put round the University which would disable it from doing what it had now the power to do.

THE CHANCELLOR OF THE EXCHEQUER said, that the Government had been most careful in framing these clauses; whether they had been successful was another matter, but as far as communicating with those gentlemen who were most closely conversant with the course of business at the University, there had been no deficiency on their part. The right hon. Gentleman, as he understood, doubted whether it was wise to legislate upon the question of the proceedings in Congregation; but thought that if we did legislate at all, we ought to go further and provide more completely for the power of expressing and embodying the opinions of different parties in amendments upon convenient occasions. He would first state the reasons for legislating at all; and, secondly, those for not having legislated more completely. The right hon. Gentleman knew what jealousies had existed in the University, and what a feeling had prevailed between class and class in consequence of the total want of a legitimately established vent for the sentiments and opinions of men who felt themselves qualified to have a voice in the government of the University. As they wished the Bill to be practically effective in allaying those jealousies, they had listened to the propositions of those who had asked Parliament to secure to those persons an opportunity of being heard. They had proceeded on the principle, not of defining everything that Congregation was to do—not of establishing a maximum of liberty of discussion that the University should give to its own members but they had said—this much liberty, at least, you shall have. This was the view with which the clauses had been framed. They secured, at least, a single opportunity for discussion and for proposing amendments. Those amendments would, he apprehended, go to the Hebdomadal Council, who would thus be made aware of the opinions prevalent in the University, and would take their own course in regard to them before they were called upon to submit the Statute to the vote. The right hon. Gentleman seemed to think there ought to be the power of repeated proposals of amendment and repeated discussion. This question the Bill did not touch at all; it was proposed to leave it to the University to make such arrangements as it might think fit with regard to that matter. They wished to lay down that there should be a power of suggesting amendments, but that there should not be a power of moving amendments in Congregation; that there should not be a power of discussion in Congregation; and that adequate notice should be given before the propositions of the Hebdomadal Council were accepted or rejected. He had the utmost confidence that if this were not a good practical system the University would supply what was deficient in it. This was not a London invention; it did not originate with the Cabinet, but it was founded on the suggestions of a large number of the ablest men in the University; and, speaking from his own experience, after having had an immense mass of personal communication with various members of the University, he did not think any strong objection was entertained to the propositions contained in these clauses.

Mr. MOWBRAY said, it must have been the meaning of the person who had framed this clause that a member of the Congregation should have the power of proposing amendments to the Congregation which they might either accept or reject, because the marginal note was, "Proposal of amendments by Congregation." What was the meaning of the clause at present? Was it that any member of the University should have the power of writing a letter to the Hebdomadal Council? for, if so, he thought it was an absurdity. There were other points in these clauses that were far from clear. An amendment was to be proposed in writing to the Hebdomadal Council; but in what shape was it to be brought to the knowledge of the Council? The individual members of the Council might be present at Congregation, but they were not present as a separate estate, but as component parts of Congregation. Again, was there any provision which would oblige the Council to take an amendment into their consideration at all? They might "adopt, alter, or reject it;" but he did not see why they might not, if they pleased, pass it by altogether. It was a question of grave consideration whether this Congregation was the old body composed of different members, or a new body on whom new powers would have to be conferred.

Mr. EWART said, it was clear that there must be discussion in the Hebdomadal Council upon the amendments proposed by a member of Congregation, because it required the subtlety of a legal imagination to suppose that the power to "adopt, alter, or reject," did not necessarily imply the power to discuss them. He thought it would be better that the member of Congregation should suggest his amendments to the Congregation, and that Congregation collectively should lay them before the Hebdomadal Council.

The CHANCELLOR of the EXCHEQUER said, that Congregation would not have the power of voting upon such suggestions. The marginal notes were not to be taken as containing the substance of the Bill, for they were very frequently prepared, not by the draughtsman, but by some person in the printing office.

Mr. WALPOLE thought that the Chancellor of the Exchequer had not satisfied the Committee as to what the effect of these clauses would be. Although he might not be perfectly acquainted with the observances of the University of Oxford, he had endeavoured to understand the Bill now before the Committee, and although he believed himself perfectly competent to understand the plain meaning of a Statute, he had no hesitation in saying that the clause now under discussion gave, as drawn, no power whatever to any person which he might not exercise without the clause. It simply said that any member of Congregation might propose, in writing, an amendment, not to the Congregation, but to the Hebdomadal Council, which the Hebdomadal Council might adopt, alter, or reject. But any member of Congregation might do that now; and if they wanted to give him a statutable right, they must follow up the clause by other words compelling the Hebdomadal Council to give due consideration to the amendments sent in by individual members of the Congregation. The clause, as it stood, was entirely useless, and, taken in connection with the 22nd clause, it gave the power of proposing amendments without discussion, and the power of discussion without making amendments.

The SOLICITOR GENERAL thought that the right hon. Gentleman had not rightly comprehended the meaning of this portion of the Bill. When a Statute was promulgated it would be brought down and read in the House of Congregation, and, on its being so read, the occasion of discussion and argument would arise. It was not intended that members of Congregation should have the power of moving amendments in the same manner as they were moved in the House of Commons; but there was nothing in the Bill to prohibit discussion of amendments. The amendments were to be proposed in a given form—not by motion and voting thereon in Congregation, but after discussion in Congregation, by suggestion of those amendments in a written form to the Hebdomadal Council; and the very circumstance that the amendments were to be so suggested would of necessity impose on the Hebdomadal Council the obligation of considering them. Every member of Congregation might, after discussion or promulgation of the Statute, embody the result of that discussion in a suggestion. The manner of its proceeding from one body to the other was a matter of detail which would be regulated by one of their own ordinances. The right hon. Gentleman was wrong in supposing that this section was superfluous inasmuch as every member might have exercised the same power without it. Every member of the Congregation could not have called upon the Hebdomadal Council to consider a suggestion; but every member might now, after a discussion upon the promulgation of a Statute, embody an amendment in a written suggestion to the Hebdomadal Council. That amendment might be altered, adopted, or rejected. If an alteration of the Statute took place, it would be promulgated afresh, and that might lead to a new discussion, although it could not be attended with the moving of any amendment in the House of Congregation. The whole matter was plain; the Bill only follows the rules at present observed in the University. Any Statute sanctioned by the Hebdomadal Council will be discussed by the Congregation; after that discussion any member may suggest amendments, but it is not intended to give the general powers of a deliberative assembly to the Congregation now, for they have never belonged to Convocation. The objects they wished to accomplish were to give the Congregation the power of discussing the Statutes, and of suggesting amendments which they may also discuss; and any person reading the three sections, with a knowledge of the system now existing at Oxford, must, he thought, admit that they attained their purpose.

Mr. GRANVILLE VERNON confessed that the clause, as it stood, appeared to him to be perfectly nugatory; it was giving a legislative sanction to what a man might already do without it. It would have been better to adopt the suggestion in the Report, that the amendments proposed to the Council should receive the support of a certain number of members of Congregation.

Sir WILLIAM HEATHCOTE said, that the Solicitor General had raised a difficulty which he had not experienced before. As he had understood the clause, he did not think that it was open to the objection which had been made by the right hon. Member for Midhurst. He had understood it to be an effective enactment, because after the promulgation of a proposed Statute it was out of the hands of the Hebdomadal Council, and, though suggestions might be sent in to them, they would have been wholly inoperative unless there were some enactment enabling the Hebdomadal Council to get hold again of what they had parted with. That had seemed to him a sufficient ground for the clause. The Solicitor General, however, stated that the meaning of the clause was, not that any single member of Congregation might make his suggestion as such, but that it must be after discussion in the assembly of Congregation—

The SOLICITOR GENERAL: I beg your pardon; I said no such thing. I said that it "might be" after discussion.

Sir WILLIAM HEATHCOTE continued: He understood the hon. and learned Gentleman to have been answering the objection that these suggestions might be sent by post, and to state that they could only be the result of a discussion in Congregation. He agreed with his right hon. Friend the Member for Oxfordshire that it would be in the power of the University, by Statute, to make all these regulations for themselves; or, at all events, they might be enabled to do so by the introduction of a few short words. By that means a great deal of embarrassment and difficulty might be got rid of.

The SOLICITOR GENERAL said, that the object of his remark had been merely to show that upon the promulgation of every Statute there would be the fullest power of discussion; and that, if a Statute were altered, it must be re-promulgated, when there might be again a fresh discussion, although that discussion would not be accompanied with the power of moving amendments in the Congregation.

Mr. HENLEY said, that it appeared, then, that when a Statute was promulgated, the Congregation were not to consider whether they would adopt it, nor were they to consider any amendments upon it, but they were to talk it over—simply, to discuss it. Conceive that intellectual body of 300 persons discussing a subject without any definite end! They were not to say whether they would have it, nor were they to propose amendments, because that was to be done single-handed, by writing to the Hebdomadal Council; but there was to be a sort of vague talk going on, and out of that was to be eliminated some kind of an idea, in some separate mind, which might be sent to the Hebdomadal Council. But that might be done now, as far as he knew, because there was nothing in the law to prevent a person writing a courteous letter containing suggestions to any other person. He was aware that it had long been a matter of complaint that there was no recognised mode for individuals to present suggestions to the notice of the Hebdomadal Board;

but he did not see what was gained by the clause. He doubted very much, from the clause, whether discussion was to take place upon the promulgation of a Statute, and he thought that the explanation of the Solicitor General had done anything but make the matter clear.

Mr. RICE said, that he put the same construction on the clause as the hon. Baronet the Member for the University. He considered that the clause was to afford an opportunity to the members of Congregation to put the Hebdomadal Council in possession of their views, and he thought it was probable that a number of members of Congregation would so submit their views; but there appeared to him to be a considerable defect in the clause as to the way in which this was to be carried out. He was satisfied with the suggestion made by an hon. Member, that the details on this point had better be left to the University itself; but, at the same time, he agreed with those who thought that the clause was perfectly useless, unless there were some power to compel the Hebdomadal Council to consider the propositions that might be submitted to it; and to obviate this difficulty he would suggest, that after the word "Council," the words "should entertain," or "shall consider" should be inserted.

Sir JOHN PAKINGTON said, that three versions had been given of this clause. The hon. Member for Dumfries (Mr. Ewart) thought the matter ought to be left to the University itself:—but this the Bill did not do, and two versions had been given of what the Bill did do. He himself had put the same construction on it as the hon. Baronet the Member for the University had done. The Solicitor General had, also, given them his version of the clause; but he would ask the hon. and learned Gentleman whether, judging from experience, he thought it possible or probable that the members of Congregation would pass their time in discussing amendments on which they had no power to decide? But there was not a word in the clause to bear out that construction. The only interpretation that could be put upon it was, that after the promulgation of any Statute, any member of the Congregation should be at liberty individually to send in any amendment he chooses for the consideration of the Hebdomadal Council. As much misapprehension prevailed in the Committee as to this clause, he would suggest that the best course would be either to withdraw it, or make it more intelligible.

Mr. J. G. PHILLIMORE desired to draw the attention of the Committee to the different sense in which the word "promulgated" was used in the 19th and 22nd clauses. He considered that the 20th clause was useless, and that it ought clearly to be stated that any amendment proposed to the Hebdomadal Council should be approved by a certain number of the members of Congregation.

Mr. ROUNDELL PALMER said, that he was afraid that he had suffered a great disadvantage in not having been present during the whole of the discussion. It seemed to him that the difficulty as regarded this clause was not so great as had been stated. In the first place, he differed from the hon. Member who thought that the word "promulgated" was used in the 19th and 20th clauses in different senses. It was not, as in both cases it expressed the first of two stages through which the Statutes would have to pass. It appeared to him that the intention of the 20th clause was unobjectionable, as by it a legal right was given to any member of Congregation, after having received notice of the tenor of a Statute, to submit to the Hebdomadal Council any view or amendment which he might consider might be advantageously adopted, and, in order to do so, the concurrence of any other member of the Congregation was not necessary. It would then be in the power of the Hebdomadal Council to take the matter into their consideration, and decide whether they would recall the Statute, or accept or reject the amendment so sent to them before submitting it for final acceptance or rejection; but the course of proceeding laid down in the 19th section, if not qualified by the present, would oblige the Council to submit every proposition for absolute decision at the end of seven days from promulgation; but this clause enabled them to withdraw it or to submit it again, as amended. The intention of the clause was unobjectionable; it could do no harm, and might effect some good; he therefore thought the Committee would be justified in passing it in its present form.

Lord ROBERT CECIL asked the Solicitor General if he would point out in the 19th clause the precise words which he had said would oblige the Hebdomadal Council to take into consideration and discuss the amendments which might be submitted to them by the members of Congregation?

The SOLICITOR GENERAL replied, that he did not say that there were any words throwing on the Hebdomadal Council any legal obligation either to adopt, alter, or reject any amendment submitted to their consideration; but he said that it would naturally follow from the proposal of an amendment that the Hebdomadal Council would discuss, adopt, alter, or reject it; he did not say that the words of the clause were so expressed as to throw on the Council an imperative obligation; neither did he think that there was a necessity for such imperative words, as he apprehended that the authorities of the University might fairly be intrusted to consider amendments, and would not arbitrarily or indelicately thrust them on one side. He did not say, also, that there must be a discussion on every amendment; but he had said that there might be, as whenever a Statute was promulgated the members of Congregation had a right, by the 22nd clause, to speak thereon, though whether they would avail themselves of this power, he could not say.

The CHANCELLOR of the EXCHEQUER desired to draw the attention of the Committee more to the question at large. They had now been half of a night in discussing clauses which, though important, were of secondary consequence, and he regretted to say that they had made no progress. Some hon. Members had been discussing the latter part of the clause before they had come to the first, while other hon. Members had gone back to other clauses; he would therefore submit to the Committee that it was difficult to make progress unless they confined themselves to, and dealt with, point after point.

Mr. HENLEY said, that they were called upon to make some minute regulations with respect to the governing body of the University, and it was but natural that they should ask for such explanations of these regulations as would enable them to know what they were about to enact. Various constructions had during the evening been put upon this clause (20), proving that much misapprehension existed as to what was meant by it. He had asked the right hon. Gentleman whether the Bill gave the Congregation power to discuss any matters not submitted to them by the governing body; and he answered he believed not; but the Solicitor General said they would have power to discuss amendments; and he asked the right hon. Gentleman to clear up the point. It would be better, he thought, to leave out this clause altogether.

Mr. MOWBRAY proposed that in the 24th line, after the word "Council," words to the following effect should be inserted—"Shall afterwards take into consideration," and which it may adopt, &c.

The CHANCELLOR of the EXCHEQUER did not see the necessity for such words, but would, nevertheless, consent to their adoption.

Sir JOHN PAKINGTON did not see on what principle the resident members of the University were to be allowed to propose written amendments, and the same privilege not be extended to non-resident members. The tendency of the Bill would be to elevate the resident members at the expense and injury of the non-resident. He suggested that some words should be inserted to meet the case he had stated.

The CHANCELLOR of the EXCHEQUER said, it was one thing to give the privilege proposed by the clause to a select body in the University, and another thing to extend it to a miscellaneous body of 4,000 gentlemen not residing and who knew hardly anything of what was going on at Oxford. He could not, therefore, agree to the suggestion of the right hon. Baronet.

Clause *agreed to*, with Amendment; as was also Clause 21.

Clause 22 (The Members of Congregation shall, upon the occasion of the promulgation of any Statute, have the right to speak thereon in the English tongue, but without the power of moving any Amendment, and subject to such regulations as the University may make by Statute for the due order of debate).

Mr. HENLEY drew attention to the circumstance that the debate was to be in English on the occasion of the promulgation, while nothing was said as to language when the Statutes were proposed for acceptance.

The CHANCELLOR of the EXCHEQUER said, it was desirable, on the one hand, to have an expression of opinion in the Congregation on the proposals of the Hebdomadal Council; but, on the other hand, it was objectionable that anything should be done unnecessarily to multiply discussions. No party in the University asked for two separate occasions of debate upon any Statute, and he therefore thought it was better not to bind down the University in the matter.

MR. HENLEY thought it would be better to omit the clause altogether; but, seeing it was there, he thought it odd that they should fix upon the language to be used at one stage and not at another. He would leave it to the University to discuss in any language they chose, whether Latin, Greek, or Hebrew; but he thought the debate should take place on the amended proposal, rather than on the crude one.

MR. ROUNDELL PALMER said, his right hon. Friend seemed to suppose that there would be no power of debate after a proposition was amended; but that was a mistake, for the power of debate would arise when the proposition was amended, just as at the time of its promulgation.

MR. WIGRAM said, there was a wish in Oxford to have this right of debating in the English language, but he did not think the right should be given by Act of Parliament in such a way as that it could not be displaced by the University. He suggested, therefore, that after the words "English language" words should be inserted to the effect, "if the said University shall by Statute authorise the same."

THE CHANCELLOR OF THE EXCHEQUER thought the suggestion of his hon. Friend too narrow a one to deal with the whole of the subject, and that the point would be better considered if the question were raised generally, whether they should adopt some machinery by which the University might make alterations, or whether matters should be left immovable under the Act of Parliament.

MR. WALPOLE would move that this clause be omitted altogether. He thought all that could be gained by the clause might be gained without it. Everything that was asked by his right hon. Friend was vested in the Congregation, which by the 18th clause had the power of regulating the mode in which the proceedings could be carried on, including, of course, the power of deliberation. That being the case, what was gained by the clause? Absolutely nothing; but this inconvenience might arise, that a statutory power might be given to Congregation of insisting on the right of discussion in the English language. His great objection to the clause was, that he did not wish to see the Congregation turned into a debating society, which he believed would be the case if they gave them the power, and subjected them to the restriction included in this clause. In support of his views he would cite the authority of Mr. Jowett, who gave it as his opinion, not particularly in reference to this clause, but to such innovation generally, that if changes of this nature were permitted, the University would become one vast debating society, in which, as occasion offered, every political, ecclesiastical, and religious question would be discussed to the exclusion of all questions of collegiate government. He begged, therefore, to move, as an Amendment, that the 22nd clause be omitted.

THE CHANCELLOR OF THE EXCHEQUER said, that Mr. Jowett could scarcely be cited as an authority with reference to this clause, inasmuch as his words applied solely to a large and general measure of reform in these respects, and not to a particular one like that which was contemplated by this clause. He thought matters of that kind, which were matters of detail, were much better when left to be regulated by a liberal reference to the state of opinion and feeling in the University itself, than to any point of abstract principle. The state of the University convinced him that the clause would be extremely useful. They were giving, it was said, to the resident body of the University, great powers. In a University it was in the nature of things that considerable differences of opinion on various subjects must of necessity prevail. That being so, gentlemen who entertained views different from the rest of the University must feel some jealousy if they were placed under the control of what he might call a legislative majority; and it was for the purpose of securing freedom of mind to those who might be in the minority that he thought this clause might be in a great degree recommended.

MR. WIGRAM thought it would be more convenient to leave it to the University to decide as to their power and manner of debating. He considered that the system of debating, as proposed by this clause, would tend in a great measure to disturb the quiet habits of study which ought to prevail in the University. As to the question of amendment, he thought the clause unnecessary, as the 19th clause disposed of that. He should therefore support the Amendment.

MR. GOULBURN wished to know whether it was the practice at Oxford for undergraduates to be present at the debates in Congregation?

THE CHANCELLOR OF THE EXCHEQUER said, that undergraduates were never present at such debates, although they were sometimes at the proceedings of Convocation.

MR. MOWBRAY considered they had no more right to interfere with the particular language the University might like to debate in than they had to interfere with their academical dress. As to the use of the Latin language, it was very well known that this rule was relaxed whenever it might be thought proper, and parties might make use of English instead whenever they pleased. This being so, he did not see the good of imposing the restriction contained in this clause. If it were to be ordained that the members of Convocation were to speak in English, he could understand it, because many of them consisted of men who had long left the University, and might have forgotten their Latin; but to impose such a restriction on the Congregation was an undue and useless interference with its discretion.

LORD JOHN RUSSELL said, that it appeared to him, by allowing the clause to stand as it was, they would enable any important discussion to take place whenever it might be thought necessary; but by leaving it out of the Bill such discussion might at any time be prevented.

MR. HENLEY considered that the University ought to be allowed to speak in any language it pleased, and ought not to be restricted any more to the English than to the Irish, Scotch, or any other language. He should support the Amendment.

SIR JOHN PAKINGTON agreed with the right hon. Member for Oxfordshire that the University ought to have full power as to its form and manner of debating, and considered the words of this clause inconsistent with the meaning of the 18th. He should vote against the clause, as not only one of interference, but useless.

Motion made, and Question put, "That the Clause stand part of the Bill."

The Committee *divided*:—Ayes 134; Noes 70: Majority 64.

Clause *agreed to*, as was also Clause 23.

Clause 24 (The Convocation of the University of Oxford shall not, by the provisions of this Act, be deprived of any of the powers by it now lawfully possessed).

MR. HEYWOOD moved to add at the end of the clause, "and shall have the right of conducting their proceedings in the English tongue."

MR. ROBERT PHILLIMORE protested against this proposition as being calculated to turn Convocation into a mere debating society.

MR. WALPOLE thought it somewhat difficult to understand the very contrary votes which the hon. and learned Member for Tavistock had given to-night. First of all, he had opposed the proposition that the Congregation—that which was held out to be the learned and intellectual part of the university—should debate in Latin, and now he would not allow Convocation—the unlearned part of the University, as some one had called it, many of whose members had most likely forgotten much of their Latin—to carry on their proceedings in English. For his part, he thought regulations of this nature would be much better left to be settled by the University.

VISCOUNT BERNARD hoped the Government would endeavour to provide a mode by which, upon some fair and moderate payment, persons might for life continue members of the University. At present, many who had earned distinction at the University were obliged to take their names off the books, owing to the expense of the fees.

MR. NEWDEGATE trusted that the Government would also take into consideration the necessity of giving due notice and information to the members of Convocation as to the Statutes on which they were to be called on to decide. The Commissioners had suggested that a registry of the addresses of all members of the Convocation should be formed, and some means adopted by which copies of the Statutes and documents on which they had to decide should be transmitted to them. Arrangements ought also to be made for securing to Convocation—as was secured to Congregation—an adequate interval between promulgation and voting, so that the members might have time to make themselves fully acquainted with the subject at issue.

THE CHANCELLOR OF THE EXCHEQUER thought that the terms and conditions under which Statutes were to be made known to Convocation were matters which the University, when it was supplied with a regularly constituted and organised government, would settle for itself perfectly well, and therefore he thought it useless to meddle with the subject in this Bill. He came now to the immediate question before the House, namely, the proposal by the hon. Member for North Lancashire to give to Convocation the right of conducting its proceedings in the English tongue. He trusted that Parliament would not be disposed to incorporate that provision in the Bill. It might be said that, having given such a power to members of Congregation, it was inconsistent in him to withhold a similar power from members of Convocation. He could not, however, see any inconsistency in the matter. The clause giving the members of Congregation the power of speaking the English tongue was to protect a minority in the University against the possible stifling of all discussion by a majority; but was it desirable to give to the 4,000 gentlemen who composed Convocation a facility for any one, two, or five, or six to create a long debate upon every Statute introduced for discussion? He should say, decidedly not. Looking at the grave matters and the warmth of feeling which entered into the University contests, and to the power which now existed of allowing discussions, if it was thought advisable, to be carried on in the English tongue, it was not desirable to see the University made a scene of periodical hustings display. If the House wished to make Convocation a great debating society, that object would be attained by the adoption of the Motion of the hon. Gentleman.

Sir JOHN PAKINGTON wished to call the attention of the right hon. Gentleman opposite to a question of considerable difficulty which had come to light in the course of the discussion. He alluded to the interval of time which took place between the promulgation of the Statutes in Congregation and their consideration by the various bodies. He had felt it his duty to complain of the extent to which the power of Convocation was diminished, and he had supposed that, in the event of Congregation rejecting a Statute, Convocation would be deprived of powers which it now possessed. He, however, wished for some explanation upon this point from the Chancellor of the Exchequer. The right hon. Gentleman did not propose to touch the interval of three days which must elapse between the promulgation of a Statute and its consideration by Convocation; and yet, by the 19th clause of the Bill, Statutes promulgated in Congregation were not to be considered till an interval of seven days had elapsed. The result would be, that consideration by Convocation would precede that by Congregation, which would be entirely inconsistent with the words of the 19th clause, requiring that every Statute should be proposed there for acceptance or rejection after an interval of seven days. That clause clearly contemplated that the reference to Congregation should be the first reference; and he wished to know if the rejection of a Statute by Convocation, after an interval of three days, was to be final, or whether it was still to go before Congregation?

The CHANCELLOR of the EXCHEQUER said, the right hon. Gentleman drew a discrepancy from a comparison of two things, one of which was in the Bill and the other not. The three days after which it appeared that Statutes were to be decided in Convocation was no provision of the present Bill, but it was a provision of a Statute of the University. The answer to the question of the right hon. Gentleman was, that the Bill gave ample and abundant powers to the University to regulate the notices which would be required. The obvious intention of the Bill was, that Statutes should go to Convocation before Congregation.

Mr. HENLEY observed, that when the Bill became law the Statutes of the University could not be altered, except in the mode prescribed by the Bill, and no other interval could be fixed for the consideration of Statutes promulgated in Congregation than seven days.

Mr. HORSFALL said, the Motion of the hon. Member for North Lancashire was such a common-sense proposition that he felt bound to support it. He attached but little importance to the argument, that if the discussion in the English tongue were allowed Convocation would degenerate into a debating society.

Mr. J. G. PHILLIMORE would oppose the Motion of the hon. Member for North Lancashire, but, at the same time, he must confess that he was astonished how the Chancellor of the Exchequer, who had voted for the clause empowering Congregation to speak in the English tongue, could consistently deny the same privilege to Convocation.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 99; Noes 140: Majority 41.

On the Question that the clause stand part of the Bill,

Mr. PHINN observed, that the 28th clause defined the meaning of the expression "University or College emoluments," and the 32nd clause provided that no candidate should, after the passing of the Act, be elected to any University or collegiate emolument within the University of Oxford except after having been duly examined. Now, in 1756, Mr. Viner left very valuable benefactions to the University, with the view of promoting the study of the law, and it was supposed that measures would be taken for facilitating legal studies in the University. The first Vinerian Professor was Mr. Justice Blackstone, who raised the professorship to a position which it had never subsequently attained. No examination was at present required for institution to a fellowship or scholarship in the Vinerian foundation. Those emoluments were disposed of by the votes of the majority of Convocation, no peculiar qualification being required on the part of the candidates, and he believed the Vinerian scholars and fellows had rarely been as distinguished in the profession as the Stowell and Eldon scholars and fellows, who were submitted to the test of examination. The Vinerian Professorship had in consequence lapsed into a mere ignoble sinecure, and fulfilled none of the purposes for which the founder designed it. He would put it to the Committee whether these fellowships and scholarships should be bestowed upon persons who, on examination, gave promise of becoming ornaments of the legal profession, or whether they should be bestowed upon persons selected by the votes of country curates and other members of Convocation, who were utterly ignorant of the qualifications of the candidates they supported. He proposed to add at the end of this clause the words, "except the right of election to the fellowships and scholarships endowed by the will of Charles Viner, Esq., which, from and after the passing of this Act, shall be vested in the professors of the University." If the House agreed to his Amendment he intended to propose that in future the scholars and fellows should be elected by the Vinerian Professor, the Professor of Civil Law, and the Professor of Modern History, who were the persons best qualified to decide upon the merits of the candidates.

The SOLICITOR GENERAL said, the subject which the hon. and learned Gentleman had brought before the Committee was a very important one, but this was not the time for entering into it, for there were many parts of the Bill which they had yet to discuss in relation to which it might more appropriately be considered. He was quite ready to give the subject his best consideration, and to do whatever he could to place the appointment to these scholarships and fellowships on a more satisfactory footing. He must, however, observe that the Vinerian Professorship had not, as the hon. and learned Gentleman had stated, been degraded into a mere ignoble sinecure, for it was at present held by a gentleman of great ability, merit, and assiduity in the discharge of his duties. Nor was it true that the Vinerian fellowships had never produced men of eminence in the profession, for he had known many of the fellows who were honours to the profession, and had attained the highest consideration in it. He must express his deep obligation to the endowment, for he had had the good fortune to be a Vinerian scholar. He should be happy to confer with the hon. and learned Gentleman upon the subject of the Amendment he wished to introduce, but hoped that he would now consent to postpone it.

MR. PHINN explained that he had intended to say that the number of the Vinerian fellows and scholars who had been distinguished men was not so great as might have been expected, considering the nature of the endowment. He would withdraw his Amendment for the present.

Clause *agreed to.*

Clause 25, providing that every oath binding the juror not to disclose any matter or thing relating to his college, although required so to do by lawful authority; to resist or not concur in any change in the Statutes of the University or College; and to do, or forbear from doing, anything the doing or not doing of which would tend to any such concealment, resistance, or non-concurrence, should be an illegal oath.

On the Motion of Mr. WALPOLE, the words, "and no such oath shall hereafter be administered or taken" were inserted at the end of the clause.

MR. BLACKETT moved as an Amendment to omit the clause, not because he objected to it, but because he wished to extend the principle to all oaths in the University, and he was informed that by the rules of the House he could only do so by cancelling this clause entirely, and substituting another in its place. The House would see that the clause, as proposed by the Government, abrogated and prohibited all oaths on two subjects—those to resist any change in the Statutes, and those "to do, or forbear from doing, anything the doing or the not doing of which would tend to any such concealment, resistance, or non-concurrence." It left untouched those idle and profane oaths by which members on a college foundation bound themselves in general terms to obey the Statutes of their college. He was quite aware that in a subsequent clause the fellows had the power of dealing with such oaths as they deemed fit. He thought the Commissioners who originally reported on the state of the University assigned a very sufficient reason for not leaving that power in the hands of the college authorities—

> "It is not probable that the consent of several of the most important colleges could be obtained to any change in the Statutes. Some would think themselves precluded from aiding in bringing about changes which they would gladly see effected, because they had sworn not to alter or accept alterations. Considering that such persons live in habitual disregard of most of the Statutes which they have sworn to obey, it might be thought that they would gladly seek a remedy for the evil. But such inconsistencies are beyond the reach of arguments. It is probable, however, that many who would not promote a reform actively would willingly conform to the law, as they conform to the law which has set aside the religious purposes for which their college was founded; and we believe that the great majority, however averse to the interposition of the Legislature, would honestly obey its enactments."

That disposed of the argument that it should be left optional to the college authorities to dispose of those oaths if they pleased. There were two things that were plain—first, the solemn sanction of an oath should not be invoked to bind the juror to idle customs; and secondly, oaths were still more objectionable which bound the juror to absolutely illegal practices. He would show that these oaths were open to both those objections. What was the character of the ordinances which the fellows of colleges swore to observe? The Statutes of the college to which he belonged bound the scholars to have a reader at meals, to observe silence, and to attend to what was read. The provost and fellows of Queen's College were to sit together all at one table, to be convened by sound of trumpet by the porter, who was to be their barber, and to wash the fellows' heads. At New College all the fellows were to have a uniform, which they were not at liberty to pawn or to sell for five years. At All Souls the porter was to shave the wardens and the fellows. At New College the fellows and wardens swore that they would wear a gown closed in front from top to bottom; but when they were going beyond the limits of the University, they were allowed to have such an opening at the posterior and anterior of the gown as might be convenient for riding. At Brasenose attendance at daily devotions was to be enforced by whipping. The heads of Corpus Christi swore that they would forbid any person belonging to the college, servants excepted, to enter the house of any layman or laywoman in the University or its suburbs. At Jesus College all the fellows were to be present at daily prayers, under penalty of fines and whipping. There could be but one opinion as to the odious profanity of swearing, under a solemn sanction, such oaths as these. But that was not all, for oaths were also taken to perform acts which were absolutely illegal. At Queen's College an oath was taken that mass should be performed for the souls of King Edward and Queen Philippa. At New College they swore to hear mass every day, in the course of which they were to repeat the angelic salutation fifty times. All Souls was not founded entirely for the general purposes of study, but there the fellows bound themselves to pray for the soul of Henry V., of glorious memory; also of Thomas, Duke of Clarence, and other Lords, lieges of the realm of England. The only excuse for the maintenance of those forms was, it was said, that the general purport of the oaths was to observe the Statutes, and it was perfectly competent for the college authorities to reduce them,—in plain English common sense, to expunge their illegalities, and yet continue the oath. But any one who was acquainted with the awfully minute and stringent forms with which the oaths were taken year by year and month by month on the admission of candidates to Oxford, must admit it was high time to abrogate them. He would trouble the House with an instance or two, and he must confess he did so with delicacy on account of the solemn form of the words. At New College, William of Wykeham bound the fellows to observe all the Statutes and things contained therein according to the plain letter and grammatical sense. He merely mentioned that on account of its particularity. At Lincoln College the words were—

> "I swear by the Holy Gospel of God, in the presence of the vicar, &c., as far as I can I will inviolably observe the Statutes of the college as

far as they concern me so long as I am a fellow of the college."

At Corpus Christi the form was—

> "I do swear by the holy body of God, which has been by me corporeally touched, that I will inviolably observe all the Statutes and ordinances so far as they concern me, or may concern my person, according to the plain literal and grammatical sense and meaning of the words, so far as in me lies."

It could not be denied that the observances they swore to in such an awful and even horrifying form were most ridiculous, and he quoted the opinion of Dr. Peacock and Dr. Tyler, who stated that there was not one of these oaths that could not be dispensed with. The Commission of Inquiry into Dublin University, consisting of the Archbishop of Dublin, Lord Ross, the Bishop of Cork, and Lord Chancellor Brady, unanimously recommended that these promissory oaths should be abolished or greatly reduced in number; the Commissioners of Cambridge University came to the same conclusion; and on that point he had double testimony, for those Commissioners adopted the recommendation of the Syndicate of the University. Even the Durham University, which was founded on strict Church of England principles, and on the model of the University of Oxford, shrank from the perpetration of such oaths, only requiring a general declaration of obedience to the authority of the college. He could also quote the high authority of the opinions pronounced last evening by the noble Lord (Lord John Russell) and the right hon. Gentleman the Chancellor of the Exchequer himself. He thought, therefore, it was his duty, without objecting to the limitations proposed in this clause, to move its entire omission, with a view of substituting another to provide for the entire abrogation of the oaths in question.

THE CHANCELLOR OF THE EXCHEQUER submitted that the course pursued by the hon. Gentleman was inconvenient, and not adapted to promote the unprejudiced discussion of the important question he had raised. He would not go the length of saying it would be wise and prudent to prohibit the administration of all promissory oaths in the University of Oxford, and he thought not only himself and the noble Lord the Member for the City, but a large proportion of the House, could not very consistently go the length proposed by the hon. Gentleman, of prohibiting the administration of all promissory oaths whatever in the University. What he suggested was, to allow this clause, which he thoroughly approved as far as it went, to pass, and then to introduce his own separate clause. If that clause was carried, the proper course for the Government to pursue would be to drop this clause altogether. That would be a simple course to pursue; by adopting it the hon. Member would be entirely unprejudiced, and would not be in the anomalous position of voting against a clause which he approved. It was true he might now succeed by combining with others to defeat this clause, but it might so happen that by a different combination his own clause might be rejected, and thus the present extreme and objectionable oaths would be left entirely untouched. With this view, if he would withdraw his Amendment, he (the Chancellor of the Exchequer) had no objection to give a distinct pledge that if the House expressed a general opinion in favour of the clause intended to be proposed by the hon. Member they would drop their clause.

MR. BLACKETT said, it was a matter of regret the Chancellor of the Exchequer had not saved the House the trouble of hearing his (Mr. Blackett's) statement on the Amendment; but as he did not wish to weary them by a repetition of the same objection in introducing a separate clause, he should, unless the House expressed a very decided opinion in favour of a different course, persist in the Amendment.

LORD JOHN RUSSELL did not think any time would be lost in hearing the Motion for the introduction of a separate clause on the subject; but, if it were introduced now, it would lead to considerable discussion, and many Members might wish to state their reasons for or against it. He doubted whether the present would be a convenient time for raising such a discussion.

MR. ROUNDELL PALMER begged to say one or two words in vindication of the gentlemen who had for many years taken these oaths as they had been administered in the colleges of the University. They had taken them upon a more sound and due construction of their meaning and legal purport than that which was implied, or seemed to be implied, in the speech of the hon. Gentleman. The person taking the oath uses these words—"inasmuch as in me lies," and does not undertake to observe the Statutes further than it is possible for him physically and morally to do so. Though it was undoubtedly desirable that oaths should not be taken which comprehended a body of obsolete matter, and contained matters that might be illegal as well as matters that were legal and possible, he did not think a true view of them had been taken by the hon. Gentleman. A thing might become illegal by the intervention of the Legislature, and the law of the land being against the observance of the Statutes, it would be morally impossible to observe them. It seemed to him that, although the form of oath might well deserve to be considered if taken at all, yet that no man swore that he would attend mass or wear a certain description of clothes, or do any of those things in detail, but that he would observe the Statutes according to the strict and grammatical truth, as far as in him lies, that is, as far as the Statutes can be observable by him he will observe them.

Mr. BLACKETT, in deference to what appeared to be the wish of the House, withdrew his Amendment.

Clause 25, as amended, *agreed to.*

House resumed. Committee report progress.

The House adjourned at a quarter after Two o'clock till *Monday* next.

HOUSE OF COMMONS,

Monday, May 29, 1854.

Minutes.] Public Bills.—1° Public Revenue and Consolidated Fund Charges; New Forest.
2° Exchequer Bonds (£6,000,000); Customs Duties (Sugar); Stamp Duties; Dublin Carriage; Ecclesiastical Courts; Courts of Common Law (Ireland); Public Statues.
3° and *passed*—Consolidated Fund (£8,000,000).

NEW ZEALAND—QUESTIONS.

Sir JOHN PAKINGTON said, the questions of which he had given notice were of greater length than was usual, but he had wished by putting them to save the House the trouble of a discussion on the matter to which they referred by his making a Motion respecting it. His questions were:—1. Whether it was true that the Governor of New Zealand, having proclaimed the new constitution of that Colony on the 17th day of January, 1853, postponed till the latest possible day allowed by the Constitution Act—namely, till the 17th day of July, 1853—the issuing of writs for the election of Members of the Legislative Assembly; and, notwithstanding the direction of the Act that the Assembly should be convened "as soon as conveniently may be after the return of the first writs," had taken no steps for convening the Assembly up to the time of his leaving the Colony in January, 1854, although the Provincial Councils were in full action? 2. Whether the last revenue appropriation ordinance passed by the former Legislative Council did not expire on the 30th day of September, 1853? whether the Governor did not subsequently to that date appropriate revenue by his own sole act? and, if so, whether such appropriation was not illegal? 3. Whether Governor Sir George Grey did not continue to dispose of land under new regulations after and notwithstanding a decision by the Supreme Court at Wellington that such regulations were illegal, and after an injunction by the said Court to restrain such disposal of land? 4. If all or either of these allegations were correct, whether it is the opinion of Her Majesty's Government that the course so taken by Sir George Grey admitted of satisfactory explanation, and met with their approval? 5. Whether Her Majesty's Government have received any information, or have issued any instructions, with respect to the Legislative Assembly of New Zealand being convened by the acting Governor? 6. Whether Colonel Winyard, the Commander of Her Majesty's forces in New Zealand, and now acting Governor of the Colony, offered himself as a candidate and was elected as Superintendent of the Settlement of Auckland? and whether Her Majesty's Government approve or have expressed disapprobation of such a combination of offices?

Mr. FREDERICK PEEL said, that as these questions were of unusual length, and as he could not answer them merely in the affirmative or negative, he must ask the indulgence of the House for making a statement of some length in vindication of the character of an official who was held in very high estimation by the Government as a most valuable public servant, and whose conduct was attacked in the questions that had been put. The first question implied that Governor Sir George Grey had endeavoured to defeat the intentions of the Legislature of this country in passing the Constitution Act for New Zealand, that he had deprived the colonists there from receiving the full benefit of the constitution which Parliament intended to give them, that he had also endeavoured to defeat the intentions of Parliament with regard to the General Assembly, and that he had done this in two ways—first, by postponing till the latest possible day the issuing of writs for the election of Members of the Lower House of General Assembly, and next, by omitting, when those Members had been elected, to issue any proclamation fixing the time when the General Assembly should meet. The right hon. Gentleman must have supposed, if he believed that these assertions were correct, that as soon as the constitution had been proclaimed, nothing remained for Sir George Grey to do except to issue the writs for the election of Members; whereas, in truth, there had never, perhaps, been an instance in which Parliament had intrusted to a single individual such responsible and varied duties in constituting a new form of government as were intrusted to Sir George Grey by this Constitution Act: because Parliament had left to Sir George Grey not only the defining of the boundaries of the new provinces, not only the determination of what should be the electoral districts, but also of what number of Members both Houses of the General Assembly and each of the Provincial Councils should consist; and he was likewise called upon to state the nature of the registration of voters, to make arrangements for the revision of the lists of voters, for the situation of polling-places, for the appointment of returning officers, and for several other details. Sir George Grey had discharged all these duties with as great an expedition as was consistent with their being performed in that honest and painstaking manner in which it was his wont to do everything that was intrusted to him, and in the course of about two months he had settled all these matters of detail. It then remained that the list of electors should be framed, and the claims of electors had to be received; and, notwithstanding every exertion on the part of Sir G. Grey, it was not until the middle of June, 1853, that the electoral roll was complete. As soon as it was closed, Sir G. Grey issued writs for the election of Members to the General Assembly. The second part of the question was, whether Sir G. Grey, after the members had been elected, did not omit to convene the General Assembly; and the right hon. Gentleman had referred to the language of the Act of Parliament, which directed that the Assembly should be convened "as soon as conveniently might be after the return of the first writs." He was glad that the right hon. Gentleman had done so, because it was upon those words that he should rest the defence of Sir G. Grey. He had been informed by Sir G. Grey that it was not until within seven days of his quitting the island of New Zealand that he received the return of the writs which had been sent to the province of Otago, that province being 800 miles from the seat of government, with which its communication by sea was not frequent. Thus it was not possible for him to have issued a proclamation convening the General Assembly until seven days from the time of his quitting the government of the island; and he had given an explanation of his omission to take that course, which appeared to him perfectly satisfactory. He had said he considered that the responsibility of the step of summoning the General Assembly ought to rest with the officer who was about, in a few days, to assume the government, but that he had advised that officer in private to do what he himself had intended to do if he had remained—namely, to convene the Assembly without delay; and we knew, not indeed from official sources, but from statements in the newspapers, that Colonel Winyard, the moment he assumed the acting governorship of the island, issued a proclamation convening the General Assembly at the earliest possible period. The second question of the right hon. Gentleman was, whether Sir G. Grey had taken upon himself, by his sole authority, to appropriate a portion of the general revenue? Sir G. Grey had not appropriated a single penny of the public money. The general revenue had been appropriated in three ways—first, to the payment of the civil list charged upon it by Act of Parliament; secondly, to the payment of certain permanent charges which had been imposed by ordinances of the late General Legislature; and thirdly, it was appropriated by the elective Provincial Councils. Sir G. Grey found that the first two charges absorbed about one-third of the general revenue, and he directed the treasurers of each of the provinces to pay the remaining two-thirds into the treasuries of the different provinces, to be appropriated according to the direction of the Provincial Councils. It appeared to him that Sir G. Grey, in taking this course, had acted with perfect propriety; but if he had done anything illegal, it was not his own fault, as it arose from an oversight of the right hon. Gentleman, for the Act of 1852 only gave power to the General Assembly to appropriate revenues raised by their own acts, whereas the general revenue now accruing in New Zealand was raised under the old ordinances of the late General Legislature. Sir G. Grey had acted according to the manifest intentions of the Act in directing that the surplus of the revenue, not otherwise appropriated, should be placed at the disposal of the Provincial Legislatures. The third question related to the disposal of land by Sir G. Grey at reduced rates, notwithstanding an injunction of the Supreme Court. Sir G. Grey had reduced the prices of land, which had been sold at different prices in different parts of New Zealand, to a uniform rate of 10*s.* per acre, and he had used this discretion in pursuance of powers which had been given him by the right hon. Gentleman himself, and the exercise of which had been enjoined on him by the right hon. Gentleman. The House was aware that the settlement of all questions connected with land had been transferred from the Crown to the General Assembly; but the Act also directed that, until the General Assembly should meet, the Crown should have all the powers that the General Assembly was to have. In a despatch, written by the right hon. Gentleman, relating to the land at Canterbury, he found a paragraph which appeared to him to give Sir G. Grey full powers in this respect. The right hon. Gentleman said that until the General Assembly otherwise provided, it would be lawful for Her Majesty to regulate the disposal of this and the other land in the province under the powers reserved to Her by the Constitution Act, which powers, by the same Act, she had delegated to the Governor. Sir G. Grey was therefore perfectly justified in point of law in reducing the price of land, and the legality of this regulation had not, with one exception, been contested in any one of the provinces of New Zealand. It was true that in the district of Wellington steps had been taken to call in question the legality of the proclamation; and although he had not ascertained precisely what proceedings had been taken, he found that the Judge of the Supreme Court had expressed his readiness to grant an injunction. An injunction had been granted by a Judge of the Supreme Court at Wellington putting a stop to the sale of the lands, not within the province, but within the district immediately adjoining Wellington, the property of the late New Zealand Company. Sir G. Grey was anxious that the matter should be fairly brought before the Court, and that the Attorney General should be made a party to the cause, and the Judge permitted the plaintiff to amend his bill; but he was informed by Mr. Sewell and by Mr. Wakefield, who supported the plaintiff, that they preferred not to proceed with the bill. He could not say whether the injunction was or was not issued; or whether, while it was in force, any sales of land had taken place in the district immediately adjoining the town of Wellington. With regard to the fourth question, he could state that the course which had been pursued by Sir G. Grey, which was very different from what the right hon. Gentleman supposed it to have been, had not been disapproved by the Government, but, on the contrary, the Government had frequently had occasion to express approval of his conduct. When he remembered that Sir G. Grey had been in New Zealand for eight years, that his administration had been signalised by great success, that his policy towards the native inhabitants had created in their minds a feeling of attachment to the British Government, and that his policy towards the European inhabitants had resulted in obtaining for them the advantages of self-government, he thought that he was entitled to our gratitude. With regard to the sixth question, he admitted that, as a general rule, it was not desirable that the principal officer in a colony commanding Her Majesty's troops should fill a subordinate civil appointment, more especially when that appointment was an elective one. But the case of the Superintendent of the Province of Auckland was an exceptional case, and the Government had approved, under the circumstances, Colonel Winyard's assuming that office. He ought to state that Colonel Winyard had administered the government of this province for a period of more than two years; that he thoroughly understood the natives, who were numerous in it; and that he was well known by them. Sir G. Grey did, therefore, consider it as an advantage that for two or three years at least he should administer the government of the province; and this was also the opinion of its inhabitants, as at their request he had offered himself for the office, and had been returned after a contested election.

THE OCCUPATION OF GREECE—QUESTION.

MR. MONCKTON MILNES: I rise to

put a question to the noble Lord respecting the alleged occupation of the territory of the King of Greece by the allied forces of France and England. I am desirous to know whether that allegation is correct; and, if true, to ask whether the noble Lord has any objection to state the objects and conditions of the occupation of the territory of an independent Power with whom England and France are not at war?

LORD JOHN RUSSELL: We have not received any account of the occupation of any part of the Greek territory by the forces of the Allied Powers. But it is perfectly true that a force, consisting, I think, of about 6,000 men, has been sent from France with instructions to occupy the Piræus; and Her Majesty's Government, in entire conjunction with that of France, has desired that a regiment of infantry which left this country about a week ago should likewise be employed in the occupation of the Piræus. The cause of this measure on the part of the Allied Powers is the intelligence which they have repeatedly received, that, by the connivance of the Greek Government, Greek officers have been attempting to raise insurrections in the Turkish provinces adjoining Greece, and that in some instances they have succeeded in their attempts. There is besides a correspondence which was found on a late occasion in the possession of a secretary of General Tsavallas, which shows that persons in the Greek Government were cognisant of all the attempts which have been made to create an insurrection; and especially of a suggestion which was made, that Greek regiments should be sent from Athens to the frontier, with a view to their being there allowed to desert, and meeting again in a body in order to form the nucleus of a force of Greek insurgents acting in the Turkish provinces. That is one only of the very many instances which show that the members of the Greek Government, instead of acting with that good faith which the Government of Turkey has ever shown since the recognition of Greece as an independent State, have been endeavouring, contrary to the faith of treaties, and contrary to the obligations of good neighbourhood, to raise insurrections against the Sultan, and to carry fire and sword into his territories. Such being the case, the Governments of France and England have thought it necessary to send a force to occupy the Piræus. If the King of Greece disapproves—as we have been repeatedly told—of those attempts to violate the duties of a neutral Power, the King of Greece will find protection in the forces which have been sent to him, and the means of compelling his people to observe those duties. If, on the other hand, the protestations which we have received from the Greek Government should turn out not to be sincere, those forces may prove useful in another way. As has been stated in the French *Moniteur*, there is no intention of declaring war against Greece, but we mean to take care that the Government of Greece shall not be secretly or avowedly an ally of Russia in the present war; and we have taken means, which I trust will be sufficient, to prevent a covert or avowed war against Turkey from that quarter.

MR. BRIGHT: The noble Lord, before Easter, made a statement with regard to the Greek Government, very much in the tone and temper of that which he has now made; and, in answer to a question from the hon. Member for Pontefract, he promised to lay before the House certain papers to prove the statement which he then made. Since the Easter recess I, upon several occasions, have asked for those papers, but they have not yet been produced, and the noble Lord has failed to give any assurance when they will be placed upon the table. The noble Lord has now made certain other statements with regard to the Government of Greece, and, as the noble Lord's words go all over the world, I ask him that he should give us those papers, together with additional ones, if there are any, bringing down the course of events to the present time, with as little delay as possible.

LORD JOHN RUSSELL: Those papers are now, I believe, in a printed form, and I hope to be able to lay them on the table of the House—perhaps to-morrow—or, at all events, not later than Thursday.

MR. COBDEN: Is the House to understand that the allied forces are to occupy Athens as well as the Piræus, or that they are to remain at the Piræus?

LORD JOHN RUSSELL: I will not enter into particulars, but may state that the instructions are generally to occupy the Piræus, and not Athens. They are to occupy Athens only in the event of certain contingencies.

THE BRIBERY PREVENTION BILLS.

THE ATTORNEY GENERAL said, that, having brought these Bills into the House, he thought it right at once to state that he feared, even if the House should assent to the second reading, that there would arise very serious difficulties in passing them through Committee; so that he despaired of being able to carry them through their ulterior stages and to pass them into law. He was bound also to state that, since the first reading of those Bills, circumstances had arisen which he thought went a considerable way towards impugning the principle upon which they had been founded. He would briefly state the nature of the difficulties to which he referred. Hon. Members who had been present during the previous discussions upon the subject would, he was sure, do him the justice to remember that, while he maintained that it was the duty of Parliament to deal with the bribery and corruption which prevailed in certain constituencies, he nevertheless said, in answer to the objection which was raised, that the disfranchisement of those voters whom these Bills proposed to disfranchise, would be a violation of the immunity which had been held out to them, while, on the one hand, he asserted, as a lawyer, that, looking at the term of the Act under which the Commissioners were appointed, he had no doubt that the immunity was an immunity from the penalties of conviction or judgment by law in respect of bribery, and did not go the length of tying up the hands of Parliament, if Parliament thought it necessary to interpose for the purpose of rescuing the electoral bodies from the state of venality into which they had unfortunately fallen; yet that, on the other hand, he most readily agreed that if it could be shown that, either in that House or out of it, language had been held by persons in authority which was calculated to lead those witnesses to believe that a bargain had been made, that if they would make disclosures to the Commissioners they should receive as a reward complete absolution and exemption from all consequences, penal, legal, or legislative, in respect of the deeds of which they confessed themselves to have been guilty—then he at once and frankly declared that, if that were made to appear, he should be the last man to ask that House to disfranchise those voters; for though it appeared to him in the last degree important that Parliament should do something to purify those constituencies which had been proved to be corrupt, still he most readily acknowledged that even so important an object would be dearly purchased if it were obtained at the sacrifice of the public faith. Since the first introduction of the Bills, he considered that some case had been made out by those who had opposed them; and that, whether rightly or wrongly, a general impression had prevailed that those parties who had before the Commissioners made a clean breast of it with respect to their corrupt practices were not to be visited with the consequences, either legal or legislative. He was bound, also, to say, that in two or three instances the Commissioners had considered that the indemnity under the Act was capable of being interpreted in a larger sense than was originally intended; and this had perhaps given rise to the general impression that prevailed with regard to this indemnity. He knew that many Members whose opinions were entitled to the greatest weight, entertained strong doubts as to whether parties were not, under this indemnity, free from future consequences. This opinion was not confined to one side of the House; and though on other questions he might differ from hon. Members, still he felt bound on this to receive some of these expressions of their opinion with respect, from such Members as, he might instance, the hon. Member for Midhurst (Mr. Walpole), of whose sincere wish to put down bribery in every form there could be no doubt—and several Gentlemen of the Opposition, who, looking at the case of parties under the indemnity as made out, had expressed some doubt as to the propriety of proceeding with these measures; and he confessed this had made considerable impression on his mind. Practical difficulties had also since arisen, which rendered it almost impossible to carry these Bills through Committee. The schedules to these Reports, and on which the present Bills were framed, contained much and not unimportant matter, and it had been discovered that mistakes and inaccuracies had been made in copying them from the Reports and transcribing them for printing; in some cases the names of parties were incorrectly written, and the result was that an innocent man was made to take the place of a guilty one. In some cases the description of parties had been transferred from one man to another, and in consequence uncertainty had arisen where the names of parties were the same. He had received communications from various parties who were so situated with reference to their names and descriptions, complaining that they had been called upon to bear the punishment for offences committed by others; and it was quite clear that he could not call upon the House to disfranchise any number of voters under such circumstances. Then came the question, before what tribunal could such cases be decided; it could not be before the Commissioners, for having made their Report their powers had ceased—it could only, then, be before a Committee of the whole House, which would then have to decide on evidence not given on oath, but which was founded on records which were taken upon oath; they would have a vast quantity of claims poured in, which would give rise not only to delay and inconvenience, but the result would also probably be unsatisfactory. In consequence of these difficulties, the Government felt that they ought not to ask the House to proceed with the present Bills. He confessed that this was a result which he could not contemplate with any degree of pleasure. There could be no doubt but that the state of these constituencies was a scandal and a reproach; there could be no doubt that there was in every one of these constituencies a large body of voters who, inured to bribery, valued their votes only as the means of obtaining money, and sold their franchise to the highest bidder; and although these persons did not constitute the majority of these constituencies, yet they were numerous enough in all to turn the elections; and the issue of such elections could only be looked upon as the result of bribery. The question then came, what could be done to prevent this? He owned it was humiliating that Parliament should be prevented from specially legislating to put down such practices; but they could not disfranchise the whole of such constituencies as Cambridge, Hull, or Canterbury. Such a course might be thought unjust, there being only a certain portion of the electors contaminated by corrupt practices, the great majority still forming a good constituency. In such cases Parliament could hardly be asked to disfranchise the whole; and the only course that remained was to proceed on the principle of these Bills, and he regretted that circumstances should have prevented their being carried into effect. Something ought to be done, for it was not possible for them to expect anything like a pure or fair election while bribery and corruption were practised as they at present were in some constituencies. They might hope that something would be derived from the measures which were at present receiving the attention of a Committee; but although they might prevent bribery from extending to places where it had not taken root, but where venality and corruption had become inveterate—as in the case of Canterbury, Cambridge, and the rest—he was not very sanguine that they would be able to extirpate it by any measure of general legislation. He hoped that the efforts of the Committee would be attended with a happy result; but when they came to another general election, he was afraid that they would still find it necessary to issue Commissions to probe still further these constituencies. He trusted that for the future no doubt would go abroad as to the true construction of the indemnity under the Act of Parliament; and he trusted that the assent given by a large majority of the House to the principle of these Bills would teach constituencies that, although in the present instance Parliament was indisposed to interfere, still that in future, when the Act of Parliament was looked into, they would perceive that, while it was compulsory on parties to give evidence even as to their own misconduct, still the only immunity granted to them would be that they were free from the penal consequences of the existing law, and that Parliament would not be prevented from interposing to deprive them of their franchise, given to them for the public good, but which they had abused to their own private ends, and shown themselves unworthy of possessing. The hon. and learned Gentleman concluded by moving, that the Order of the Day for the Second Reading of the Canterbury Bribery Prevention Bill should be read, for the purpose of being discharged.

Sir FREDERIC THESIGER said, that, having given notice of his intention to oppose these Bills, the House would allow him to make a few observations with regard to the course now taken by the Government, He must do his hon. and learned Friend the Attorney General the justice to say, that throughout the whole of these proceedings he had unquestionably conducted himself in the fairest and most candid manner. At the time when he (the Attorney General) introduced these Bills, he distinctly stated that, if the House should be of opinion that, either directly or indirectly, a compact had been entered into with those parties whom it was proposed to disfranchise, he would be one of the last men in the world to stand up and say that such a compact should be violated, or that such parties should not be protected by the indemnity. He (Sir F. Thesiger) was obliged to his hon. and learned Friend for the observations he had made with respect to the Members who had been opposed to the course intended to have been pursued by the Government; for he (Sir F. Thesiger) was aware that the course which Members in Opposition had taken was open to great misconstruction, and it might easily have been represented that their object was to screen from punishment those parties who had been guilty of bribery:—and, though he was at all times averse to making professions of disinterestedness, still he felt bound to say that he did not yield to any man in aversion to corrupt practices at elections, and he should always be ready to join in any effectual measure for the suppression or punishment of such practices. He believed that no better punishment could be devised than that of the perpetual disqualification of parties who had been guilty of such practices; and, therefore, if he had not felt that by consenting to these Bills he would have been a party to a breach of faith, pledged to these individuals, and also have been violating one of the first principles of justice, he should most unquestionably have left those whom it was proposed to disfranchise to their fate. He had, however, had a strong opinion as to these measures from the time when they were first introduced—being convinced that the voters whom his hon. and learned Friend proposed to disfranchise were morally as well as legally entitled to the indemnity which was held out to them when they gave their evidence before the Commissioners—and he had felt it his duty to interpose in the manner he had done. He begged that he might not be supposed to be making the slightest reflection on the Government, or those who took a different view of this subject from himself, for he believed that the Government originally entertained the opinion that they were entitled to pursue the course which they had taken, and he was himself of opinion that, were such course open to them, they ought to have pursued it. He would not enter into any arguments, as the Bills were withdrawn, to satisfy the House that the view which had been taken by those in opposition to the measures was the correct one, though he thought he might go the length of saying that he could satisfy the House, not merely on moral, but legal grounds, that the parties who had given evidence were protected by the indemnity given to them under the Act of Parliament. But he must make one or two observations with regard to the haste and carelessness with which these Bills had been drawn. His hon. and learned Friend had given them one or two instances of the inaccuracies in the schedules, but not all, for he (Sir F. Thesiger) perceived that, among others, would be found a proposal to disfranchise two women. It appeared as though the party who had prepared this schedule had anticipated the time when universal suffrage was to prevail, and had taken the precaution that Elizabeth Williams and Jane Moon should not participate in the general boon. He would give another instance of haste and carelessness more important than this; he found, on looking over the different Reports, that the Commissioners, in respect to several candidates, had reported that bribery was committed for their benefit, and with their knowledge and assent; and with respect to one of these persons, whose name he would not mention, the Commissioners reported in the same terms against him in respect of the elections of 1841, 1847, and 1852; but on looking into the schedule of the names of persons to be disfranchised on the ground of having given bribes for the name of this individual, he had not found it. From this it was evident there had been great haste and want of consideration in the mode in which the schedules had been prepared. He regretted, considering the view now taken by the Attorney General, and which he (Sir F. Thesiger) took to be the view of the Government, that this opinion had not been entertained at an earlier period—for they had all the materials whereon to have founded their judgment—and so have been prevented from presenting these Bills, which the Attorney General had confessed himself unable to proceed with. He considered that the present proceedings on the part of the Government fully justified the course which he had been prepared to pursue in the event of their having proceeded with these Bills. He did not wish to say anything disagreeable, but he was quite satisfied that the character of the House would have been compromised by an attempt to proceed with these measures, and he therefore naturally agreed with the proposal that they should be withdrawn.

Mr. W. O. STANLEY thought the course taken by the Government was liable to considerable censure, and that, when the public came to consider, they would be of opinion that Parliament was trifling with legislation on this subject, and was not sincere in the endeavour to prevent the corruption which pervaded many of the constituencies. He thought the course taken in these Bills was not justified by the Reports of the Commissioners, and that the total disfranchisement of the constituencies would have been the proper course to have adopted—the evidence before the House was quite sufficient to have justified that mode of dealing with those places. There had been great negligence on the part of the officers of the Crown with respect to this question. They had been intrusted with the preparation of a measure which would answer the ends of justice; those ends had now been defeated, and no proposition had been made on the part of the Government to punish those boroughs, which were a disgrace to the country.

Mr. VERNON SMITH said, he concurred in the proposal to withdraw these Bills, and he entertained great doubts as to whether they ought ever to have been introduced. He hoped it would not be understood that the Attorney General, in saying that in some instances a wide construction had been put upon the terms of the indemnity by one or two of the Commissioners, had sought to cast any imputation on those gentlemen, or that they had, in so doing, gone beyond their instructions. He hoped the noble Lord would supply an omission of his hon. and learned Friend. The hon. and learned Gentleman had told them that he trusted that something more efficient for the prevention of bribery than the present measures would result from the attention a Select Committee was now giving to several Bills; but he had not stated what course the Government intended to pursue with regard to the issuing of the writs for these places; and he would ask the noble Lord if he would do so? After the withdrawal of these Bills, any Member, having given seven days' notice, might move for the issuing of these writs in a manner which might take the House by surprise. He therefore wished the Government would state whether they intended to issue the writs, or whether they intended to ask the House to suspend them until they were made acquainted with the course which the Committee at present sitting might recommend the House to adopt?

Lord JOHN RUSSELL said, that it was certainly a disappointment to him that the measure which he had introduced last Session with a view of appointing Commissions in order to ascertain where bribery existed, and then to punish and prevent it, had only been partially successful. He said partially successful, and presumed that he might do so, because he thought it a great matter that the House had now the means—which it had not before—of obtaining evidence on the spot, of bringing the evil home, and of ascertaining whether elections had been gained by bribery. This was certainly one step towards amendment; and he did trust that the measures referred to the Committee, and with which the Gentlemen composing the Committee were taking great pains, would be brought before the House in such a shape as would, at all events, tend to correct the evils which at present existed. It was the opinion of Government that the writs in the present instances should not be issued until the Bills before the Committee had been disposed of. If these Bills were approved by Parliament, there might be a chance that the disgusting scenes which had taken place at elections, as detailed in the Reports of the Commissioners, and avowed by the parties, would not be repeated at the next elections. If the Bills should be rejected either by this or the other House of Parliament, then he thought there would not be sufficient grounds to refuse to issue these writs, though he was afraid that then there would but be a renewal of the practices in those constituencies—of the disgraceful practices complained of.

Mr. G. BUTT begged to say a few words on what had fallen from the noble Lord the Member for the City of London, who would forgive him for suggesting, and, on reflection, would agree with him in thinking, that what he had just urged as a reason for the postponement of the writs was not a reason which ought to operate either with himself or the House. The noble Lord had said that the Committee now sitting was most anxious to do all in their power to submit the measures referred to them to the House in such a shape as would, to a great extent, cure the evils of which everybody complained; but the reason why the present Bills were withdrawn was, that though the letter of the Statute would justify the Bills, yet that the spirit of that Act would not do so—these Bills being withdrawn, though persons were found guilty by the Commissioners of bribery and corruption, yet they remained good voters. There was no reason why Canterbury, Cambridge, or Hull should not have representatives, and whatever might be the Bill which should come from the Committee, it could not contain any retrospective clause which could have any effect or ought to be any reason for not allowing these towns to be represented in Parliament. He therefore submitted that there was no reason why the writs should be withheld. With respect to what had fallen from the hon. and learned Attorney General, his very excellent reasons for not proceeding with these Bills were equally strong and cogent reasons against their ever having been introduced.

MR. T. DUNCOMBE said, he had understood that the order that no writ should issue without seven days' notice was a Sessional Order of last Session only, and that consequently it was now competent for any hon. Member at any moment to move the issue of the writs for these five delinquent boroughs. If it was the view of the noble Lord that the writs should not issue until these Bribery Bills had been disposed of, a Resolution should be passed to that effect. He should certainly object to any writ being issued to these boroughs during the present Parliament, and he was obliged to say, that, if they allowed these boroughs to go scot free, after the Reports of the Commissioners, the sooner they repealed the Act under which the Commissions were constituted, and the sooner they restored the franchise to St. Albans and Sudbury, the better. He should like to know under what circumstances they could possibly expect ever to get Reports from Commissioners so strong as those that had been made in reference to Canterbury, Cambridge—not so strong—Hull, Maldon, and Barnstaple—most of them old offenders in this matter? The Attorney General had made such a speech in opposition to his own measures as the hon. and learned Member for Stamford might almost have been jealous of. The Attorney General seemed not to be very sanguine that bribery would be put down, and yet nothing was to be done. He told them that, in the case of a general election, if bribery was repeated, fresh Commissions could be issued; but where, in the name of goodness, did they expect to get better Reports than those they already had? If they did not act on the Reports of those Commissioners, the sooner they washed their hands of the entire matter and let everybody bribe away as they liked the better. Quite enough had been made out for extinguishing these boroughs, though there was no case for disfranchising individuals in the way proposed by these Bills. There were no precedents for such a course, but they had the precedents of St. Albans and Sudbury for disfranchising the whole boroughs. He thought a breach of good faith would have been committed had the disfranchisement of individuals been proceeded with, and on these grounds it was not his intention to have voted for the partial disfranchisement of the boroughs; but he held that they had a right to disqualify the whole lot of them, or to add new constituencies to them. The case of New Shoreham was in point. There were certain voters to be disfranchised, and the whole borough was disfranchised, but a new constituency was formed by the addition of the 40*s.* freeholders of Bramber, and so they got rid of the Christian Club—a club sworn and bound together, "on the true faith of a Christian," to return the best man they could find for the most money. He hoped the House would go seriously to work upon this question; but, assuredly, if they let such delinquent boroughs as the present escape, all their professions about the extinction of bribery would only make them the laughing-stock of the country.

MR. DISRAELI: Sir, I think some explanation is due from the Government to the House, as to the views they entertained at the beginning of the Session, with respect to the probable progress of the public business, and what prospect there was of carrying the important measures of which, at its commencement, they gave notice. There are seven important measures of which the Government have given notice this Session; indeed, I cannot recall an instance in which so many important measures were introduced to the notice of Parliament by any Ministry:—a great many of these measures were brought forward with all the authority of being mentioned in Her Majesty's gracious Speech from the Throne. But those measures not thus announced were not of less importance than the others. Let us for a moment consider the character of these measures. They all of them touch upon the most considerable subjects which can engage

Parliament. I have noted down, while this discussion has been going on, these seven measures. Of these seven, the Government have been defeated in three, and three they have withdrawn; the seventh will engage our attention when the present business before the House shall have terminated. They have been defeated on a Bill for the entire change of the law of settlement—on a Bill for the public education of one of Her Majesty's kingdoms—and on a Bill for the total reconstruction of Parliamentary oaths. They have withdrawn three Bills—one, the Bill before us, for the disfranchisement of a large number of persons, comprising a considerable portion of the constituencies of several boroughs; they have not introduced, but have withdrawn without introducing, a most important measure for a complete change in the Civil Service; which, so far as we can form an opinion of it, would have altered the character of the country and the whole spirit of our administration; and they have withdrawn a measure respecting Parliamentary reform. There still remains the seventh important measure—one for the reform of the University of Oxford. Upon three they have been defeated; three they have withdrawn—and upon the seventh they have received considerable, though partial, defeats. Now, we are entitled to ask what were the prospects entertained by the Government, when they introduced these important measures to our notice, as to the probability of their being able to carry them? Did they believe that they could pass a Bill for a reform of Parliament?—did they believe that they could have affected a reform in the Civil Service?—did they believe that they could have disfranchised the constituencies, or any portion of them, of offending boroughs—that they could have established a system of public education in Scotland—that they could have revised the whole Parliamentary oaths and changed the Protestant Constitution of the country—that they could, beyond all this, have settled the law of settlement, and reformed the University of Oxford? Did they believe, when they introduced these important subjects to the consideration of Parliament, that they had a fair prospect of carrying all those measures; and, if they had not any prospect of carrying those measures, were they measures which they ought to have so announced and introduced to our notice? These measures, whatever different opinions may be entertained as to their expediency and policy, have all one characteristic in common—all these seven measures are either assaults on the rights of the subject or upon the institutions of the country. That no one can deny. You met here to-night with the intention of disfranchising a considerable number of Her Majesty's subjects, and you were to proceed, after having read these Bills a second time, to a Bill which attacks the rights of the University of Oxford. You may, some of you, be of opinion that in both instances such violent measures ought to be had recourse to; but nobody can deny that one is an attack upon the rights of the electors of the country, and the other an attack upon the rights of the Universities of the country. No one will deny that the scheme of Parliamentary reform which the noble Lord introduced was an attack upon the institutions of the country. The noble Lord and his Friends may have been of opinion—though I am not assured of any one being of that opinion—that the measure was a most beneficial measure; but none can question that it would have effected great changes in the institutions of the country. No one who has given any consideration to the subject but must feel that the measure relating to the Civil Service—which, by the by, was announced in Her Majesty's gracious Speech—was a measure which probably would have effected a greater alteration in the whole habits and character of the nation than any other change which has been proposed. Abolishing, as it did, the present parochial system of education in Scotland, no one will pretend that the measure for Scottish education was not an assault upon an institution of that country. I do not think any one will say that the abrogation of the law of settlement did not affect one of the institutions of the country. After what I said just now of the Bill for altering Parliamentary oaths, I will say no more on the character of that measure. I am giving no opinion now on the merits of any of these measures, but I say this is their common characteristic;—and, if my view with respect to them be a correct one, it is in my opinion highly impolitic in any Government to bring forward measures of such a character, which they have not a fair prospect of carrying, and carrying them in the Session in which they were introduced. I shall leave it to the House to decide whether they think the Government had a fair chance of carrying these seven important measures, when Parliament met at the beginning of the year, or not. Supposing that the noble Lord had proceeded with that measure, so dear to his heart — reform of Parliament — supposing he had not raised the siege of the House of Commons, which he has maintained now for three years—does the noble Lord imagine he would, by this time, have succeeded in passing it through the House? And if he had been ever so successful, I want to know how other measures in the interval would have prospered? It is of importance to impress these circumstances on the attention of the House and country, because we must never forget we enjoy the inestimable fortune of having our affairs administered by men remarkably distinguished for their abilities—men who have made enormous sacrifices for their country—and for themselves. No man has made greater sacrifices than the noble Lord himself; for he has thrown over his old Friends and Colleagues, and connected himself with a coterie of public men who have passed a great part of their lives in depreciating his abilities and running down his eminent career. And if the noble Lord had succeeded in the object for which he made these enormous sacrifices, I should understand more clearly than I do at present the position of the noble Lord. But at the end of May to find that, out of seven of the most important measures ever proposed to Parliament, three have been withdrawn, and three have only brought defeats to the Government, I cannot help feeling that the time has come when it is impossible not to consider that we have not received that ample compensation which was held out to us for the break up of parties, for departing from the spirit and genius of our Parliamentary constitution; that we have not received that full, adequate, and ample compensation in well-digested and statesmanlike measures which was held out to us; that, in short, when we were told that though the Government, to be sure, was to have no principles, it was to have "all the talents," we had a right to expect that the noble Lord would at least have done something—that, at least, he would have achieved something as compensation for this remarkable state of affairs, which has banished from him all his natural Colleagues to invisible positions in the House, and left him on that bench surrounded by those who have been decrying his career for the last quarter of a century. Sir, I think it necessary to offer these passing observations, because this is such a busy country—we have so much to do—that we have scarcely time to take stock of what our representatives are doing in the House of Commons. It is of great importance that the country should understand, now that the month of May is about to terminate, that the Government have introduced six of the most important measures which were ever introduced to the notice of Parliament, and that none of those measures have advanced or can advance a stage—three having experienced ignominious and complete discomfiture, and three having been discreetly withdrawn; and that, on the seventh, which still remains, they have already received two considerable defeats, and are destined, I trust, to-night to be still more signally discomfited.

The ATTORNEY GENERAL explained that he had not intended to reflect upon the conduct of the Commissioners in anything he had said of the errors in the schedules; on the contrary, he ascribed those errors to copyists and printers. With regard to the Commissioners having misled persons by holding out undue prospects of immunity, all he had said was, that in one or two instances the Commissioners, though using words in their announcements strictly and legally correct, had used words capable of more enlarged signification. He held one of those announcements in his hand, containing these words:—"All persons giving true answers will be indemnified from any penal process." Legally speaking, that was perfectly right; but the general interpretation had given rise to the impression that voters giving answers would be indemnified from all consequences. Nothing was further from his thoughts than to cast the slightest reflection on the Commissioners, who had most faithfully and honestly discharged the duties imposed on them.

The SPEAKER having put the question, That the Order for the Second Reading of the Canterbury Bribery Prevention Bill be now read, in order to its being discharged,

Mr. HUME hoped, before the order was discharged, the noble Lord would answer the question about the issue of the writs.

Lord JOHN RUSSELL said, he had already answered the question.

Mr. HUME observed, that the noble Lord had since been told that the answer was good for nothing, and that no means existed to prevent the issue of the writs at any moment.

Mr. BRIGHT said, he understood the noble Lord to have suggested that the writs should not be moved until the Committee on the Bribery Bills had reported, and until those Bills had passed the House. He doubted extremely whether there was anything in those Bills which would be a fair answer to any one who chose to move for these writs. That was his impression as a Member of the Committee; and he hoped the noble Lord would wait until to-morrow before pledging himself against issuing the writs, because he doubted if he would be able to maintain it on the ground he had stated.

Order for the Second Reading read, and *discharged.*

On Motion, that the Order for the Second Reading of the Cambridge Bribery Prevention Bill be read, in order to its being discharged,

Lord JOHN RUSSELL said, I wish to say a few words with regard to the issuing of the writs. I understood that an order of the House, or, if not an order, at least a general understanding, that seven days' notice should be given before the issue of a writ in cases of this kind, still remained in force; and if that order does not exist, I shall move to-morrow with the view of obtaining an order of the House to that effect. It is an important measure to be taken, and should not be adopted without due notice. As to what has been said with reference to the Bills now before a Committee of this House, there is a clause in one of those Bills which disqualifies voters who shall be found guilty of bribery; and my opinion is, that if you pass a Bill containing a clause to that effect, those persons who are in the habit of receiving bribes at Canterbury, Cambridge, and other places, will be deterred from so doing by a state of the law which exposes them to disqualification; making them, in short, infamous in the boroughs to which they belong, as being guilty of taking bribes; and that is a sufficient reason why no writs should be issued to these boroughs until that Bill has passed. The right hon. Gentleman (Mr. Disraeli) has taken the occasion of these Bills being withdrawn to remark on the number of failures with regard to the measures the Government have introduced—some in accordance with the Queen's Speech, and some in consequence of notices by Members of the Government—and which have been either defeated or withdrawn; and he argues that, unless the Government had good reasons to suppose that these measures would be carried, they never should have been brought forward. Sir, I cannot say, from my experience of the reformed House of Commons, that there can be that certainty with respect to the fate of measures which there used to be when the Minister had the pleasing conviction that he could rely on a great number of boroughs, the Members for which he had either himself returned, or who were returned by those who were his immediate Friends, Colleagues, or connections. I cannot have the certainty of a majority being in favour of measures we may bring forward. The right hon. Gentleman himself, when he was a Minister and sat on this bench, brought forward a plan of finance on which he had bestowed considerable labour, but as to which he was not so fortunate as to obtain the sanction of this House; yet I suppose he did not bring it forward without expecting to be able to carry it—and such has been our case. He was, no doubt, disappointed. We have been very much disappointed. But, then, the right hon. Gentleman may say that he brought forward a measure on which, when defeated, the Government to which he belonged resigned—whereas we have not resigned. Well, but we have had some questions this year immeasurably superior in importance to any of the measures which he has mentioned, except that of Parliamentary reform, to which the right hon. Gentleman has alluded; and we have had some symptoms of the opinions of the House upon them. We laid on the table of the House all the negotiations that had taken place with regard to an impending war. There was a question on which the right hon. Gentleman might have tested the opinion of this House; and if this House had thought that "connivance or credulity" characterised the Government, as the right hon. Gentleman had stated, no doubt the House would have declared that opinion by a majority. But the right hon. Gentleman never ventured to do anything of the kind. He made a speech of considerable length against the Government; but he and his Friends scrupled to bring forward any direct Motion. Was it that the scruples of the right hon. Gentleman were so great—that they were so unwilling to disturb the Government in what was felt to be a critical position of affairs—that they displayed so much forbearance, and although they did indulge in a little criticism which would not hurt the Government, they would not offer a vote affecting that Government? But that could hardly have been the case; for when we required supplies to carry on the expense of the war, and when we prepared a measure of Ways and Means to provide these expenses, then the right hon. Gentleman and his Friends came forward to defeat that measure, and to deprive us of the means of carrying on the war. But the right hon. Gentleman was defeated in a division on that subject by a majority of more than 100. He certainly cannot say, therefore—although we have been unsuccessful in these measures—that he and his Friends possess the confidence of this House, because—be it the question to which I have just alluded, or be it the assault which was made upon the Government a few days afterwards upon the subject of Exchequer bonds—they were not only met by a reply from my right hon. Friend the Chancellor of the Exchequer, which took away all the pretences upon which the character and conduct of the Government had been assailed, but again, on a division, a majority of more than 100 decided against the views which they entertained. Therefore, Sir, whatever may be said with respect to these different measures which we have proposed to Parliament, it cannot be said that the right hon. Gentleman and those who act with him do possess the confidence of this House, or that they have regained in opposition that good opinion which I must say they did so much to lose during the time that they were in office. The right hon. Gentleman is very much alarmed at the assaults which he says we have been making upon the Protestant Constitution of the country; and accordingly it must be a great relief to him to know that the Bill I introduced the other night has been defeated. What security the Protestant Constitution obtains in the maintenance of an oath by which we say that none of the descendants of the person falsely calling himself James III. has any right to the throne of England, I confess I cannot well imagine; nor what security there can be in a Protestant taking an oath to which Protestants cannot have the least objection, which does not in the least strengthen their Protestant principles or their principles of attachment to the Constitution, and from which a certain number of Members of this House, being Roman Catholics, are totally and entirely exempt. But, however, if hon. Gentlemen are of opinion that the Protestant Constitution of the country is made more secure by means of that oath, I can only say that I think that the contrary opinion will progress, and that if that is the opinion at the present time, it will not be the opinion some years hence; and that the country will come to find out that if a constitution or a form of government has not the attachment and the affection of the people, no form of words that can be devised will supply the place of that attachment or of that affection. I believe that our form of government does possess the attachment and affection of the people. The effect of the alteration which we proposed to make in the oath, or the form of words which we proposed to substitute for that which is at present prescribed, would have been, with respect both to Protestants and Roman Catholics, none whatever. The vote which the right hon. Gentleman gave had one practical effect, and one practical effect only, and that was, to exclude the Jews from Parliament. The right hon. Gentleman has repeatedly declared—I have no doubt, with great sincerity—his wish to see the Jews in possession of the privileges which are enjoyed by all the other subjects of Her Majesty. He thinks them peculiarly worthy of those privileges—I believe he thinks them more worthy than Protestants or Roman Catholics, or any class of Christians. Still, notwithstanding his great anxiety to see the Jews in possession of those privileges, the right hon. Gentleman sometimes stays away, and sometimes votes against them; the political convenience of the hour always seems to overcome his attachment to the cause. This is the position of the right hon. Gentleman, and this is the position of the Government. I regret that these measures have been defeated; but with respect to that greater measure to which I have alluded—a measure greater than any other upon which, during the present Session, the opinion of Parliament has been pronounced—I must repeat that the House has shown, both in discussion and upon divisions, that its confidence is with the Government, and is not with the right hon. Gentleman and his Friends.

MR. DISRAELI: The noble Lord seems to think that I am surprised that he has not resigned office; Sir, on the contrary, I should have been immensely surprised if he had. Many more defeats, if possible, more humiliating, and, if possible, more complete, must occur before the noble Lord will feel the necessity of taking such a step as that. I know the noble Lord too well in the position he now occupies, of governing the country upon sufferance; I have sat opposite to him too long; I have seen him too often in the same position to feel surprise. Many a time have I seen him experience the most signal defeats, and I have seen him still adhere to office with a patriotism and pertinacity which cannot be too much admired. The noble Lord is in error, therefore, if he supposes that I was taunting him with not resigning office, or if he thinks I was expressing any surprise at his retaining the position which he occupies. The noble Lord, I say, is under a complete mistake. The noble Lord has told us also that all the papers respecting the difficulties between Russia and the Sublime Porte being laid upon the table, I made a speech, declaring that the conduct of the Government could only be accounted for upon the supposition either of connivance or of credulity, but that I did not take the opinion of the House upon the issue. But the noble Lord forgets that all the papers were not laid upon the table; he seems to have forgotten altogether that when I made that speech the most important papers were not laid upon the table. He totally forgets that Her Majesty's Ministers had announced to Parliament that they would place upon the table all the papers relating to the subject, in order that Parliament might consider and form an opinion on them, when, in fact, the most important part of the papers were kept back, and when, if it had not been for an almost unprecedented reference to that secret part of the diplomatic correspondence in a foreign journal, the people of this country would not only have been kept in total ignorance of what had occurred, but they would have been flagrantly misled upon the whole transaction, and would have adopted probably a completely different view from that which I believe is now entertained. I confess, Sir, I made a mistake in saying that the conduct of the Ministry could only be accounted for by connivance or credulity; it was too limited a view of the case. When we had all those papers before us, my opinion then became more complete and matured, and I say now, that their conduct can only be accounted for by connivance *and* credulity. Moreover, I am quite convinced that before long that will be the general opinion of the country. The noble Lord referred—not with much felicity, I think—to the failure of the financial measures of the Government of Lord Derby, and he then suddenly recollected himself, remembering that that failure had led to consequences very different from his own conduct. It was not a very happy allusion of the noble Lord to refer to those financial measures, so far as the conduct of the Government depending upon their failure or success was concerned; but as that allusion has been made—as the noble Lord has touched on the failure of the financial measures of the Government of Lord Derby—I hope—unwilling as I am to notice such things—that the House will not consider me as trespassing upon their time if I refer, also, to some measures of the late Government, with which the noble Lord, as a Member of the Opposition, had some connection. I must say this for the noble Lord, that, whatever may have been his inducement, from the first moment that Lord Derby's Goverment was formed, they did not find in the noble Lord a fair opponent. I will not say of the noble Lord, as he said of me some sixteen months ago, when I gave him a friendly intimation that he had better be looking after some of his Colleagues, who, in their sagacity, were insulting the Emperor of the French—I will not say of him, what he then said of me, that my conduct was imbued with the spirit of faction. It is quite unnecessary for me to say that, if I recall to the House what was the conduct of the noble Lord when the Government of Lord Derby was first formed. He had scarcely retired from office—from which, be it remembered, he was not driven by any efforts of ours, but by discourtly quarrels with his own Colleagues—when he went into fierce opposition; and against what? Against the measure for the establishment of the militia force upon the voluntary system. Night after night the noble Lord opposed that measure; he exhausted every combination of faction; he opposed it at every stage, and at last he exhausted even the patience and confidence of his own Friends. And now let me appeal to the House and the country, as to their opinion of that measure? Is it not recognised as one of the most successful measures that ever passed this House? Is it not the safeguard and the protection of the country at the present moment? But is that all? I recollect that there was another measure of the Government of Lord Derby. What was the conduct of the noble Lord and his Friends with regard to that? What did they say when we proposed to reform the Court of Chancery? They opposed our proposition with derision. "What!" said they, "are you going to put Parliament into Chancery upon the eve of a dissolution? that must never be; and it was nothing but the good feeling of the House, which the noble Lord on that occasion could not manage to suit his own purpose—nothing but the good feeling and the high spirit of the House which allowed us to pass those useful measures which were introduced in another place by Lord St. Leonards. Was not the reform of the Court of Chancery a most useful measure? But the country is not indebted for it to that distinguished statesman now the leader of this House—it is indebted for it to that Government which, from the first moment that it was formed, he opposed with every artifice of faction. And I ask this of the House now, suppose the reform of the Court of Chancery had not been accomplished by the Government of Lord Derby, would you by this time have obtained that important measure from "the Ministry of all the talents," those Gentlemen who make such enormous propositions, but who accomplish such slight results? What have those distinguished and gifted beings whom I see before me—what have they done equal to the establishment of the militia on the voluntary principle, and the reform of the Court of Chancery? But there was another measure proposed by the Government of Lord Derby, and which we did not succeed in carrying, very appropriate to the subject of discussion now before the House. Year after year, having disfranchised boroughs, petty boroughs, for corrupt practices, you neglected to fill up the vacant seats, and you left the numbers of this House incomplete. The Government of Lord Derby came forward and made a large, an enlightened, and liberal proposition; they laid down a principle, at least, which the noble Lord has himself since adopted for his Reform Bill. They said, "You should give these forfeited seats to the great counties which are not sufficiently represented;" and they proposed to give them to the West Riding of Yorkshire and to Lancashire; and how was that proposition met? We were opposed with all the sanctimonious rhetoric of the Chancellor of the Exchequer. The right hon. Gentleman could not permit a "Government on sufferance" to introduce a measure of Parliamentary reform. "A Government must give us proof of its strength; it must show that it is possessed of the confidence of the country before we will allow them to appropriate the seats of Sudbury and St. Albans to the intelligence and population of the north of England. You must wait till you have a Government worthy of the confidence of the country." And here, no doubt, the vision of a due reforming Government passed before the right hon. Gentleman's prescient and prophetic glance. Well, now, what have you got in the matter of Parliamentary reform from this Government of all the talents? The West Riding and Lancashire have still to complain of insufficient representation. Sudbury and St. Albans lie still in the political dust-hole, and the Government absolutely has neither power nor will enough to deal even with the tainted boroughs which have been brought before the House to-night. So much for the measures introduced by the Government of Lord Derby before this Parliament was elected. "But," says the noble Lord, "you brought forward financial measures and failed." It is true. We did bring forward financial measures and we could not carry them; but we also did that which, I think, should be the conduct of every Government—at least, it will always be my part when I have the misfortune to propose measures and fail. I value the confidence of the House of Commons, and I, at least, will never consent to be a Minister on sufferance. But mark what was the conduct of the noble Lord with respect to those measures. Take the great and leading feature of those measures—the proposition on our part that a difference should be recognised in the assessment to the income tax of permanent and precarious incomes. The noble Lord described that proposition of ours as "a dangerous principle of finance;" yet what did he do? Why, immediately after he became Member of a Government which introduced and passed a graduated income tax—a measure which could only be passed on the pretence that matters were by it so arranged that the income tax after a certain period would no longer be levied. But what are you now doing? Why, you have a war, and you raise your principal supplies for carrying on that war by a graduated income tax—according to the noble Lord, the most pernicious and dangerous of all financial principles. Yet the assertion of a principle in our financial scheme, which was but a principle of justice, could not be tolerated by the noble Lord, who yet became a Member of a Government by which a graduated income tax was introduced and passed. Well, Sir, what did the noble Lord next? The noble Lord, who is a man of inexhaustible resources, rallied on the question of education this year, and tried his great scheme in one part only of the United Kingdom. That scheme has been ignominiously defeated in this House, of which he is the leader. He parted from the Colleagues of his life, who had been faithful to him, to take into his bosom the ancient foes who had passed their lives in depreciating his abilities and in decrying his eminent career. He gave up the confidence—I may say he almost broke up the being of that historic party, the confidence of which to a man like the noble Lord ought not to have been less precious than the favour of his Sovereign. And for what did he do it? Not from any spirit of faction—not from any spirit of political jealousy or envy of Lord Derby or anybody else; but because he was devoted to great principles and was resolved to carry great measures—the great measure of education for example. To carry the great measure of education—that was the reason why the noble Lord broke up an ancient and noble party—long connected in its associations with the glory of this country. There were also other great measures, but perhaps hardly of equal importance, and not so pressing. There was the completion of the reform of this House—the fulfilment of the religious liberties of the country. Those were great measures indeed. We know what happened with that great scheme of education which the noble Lord brought forward last year. It evaporated most suddenly and completely. I don't know at this moment whether it was ever introduced into the House, but I believe it vanished even while the noble Lord was making his exposition. It was so carefully considered, so entitled to the support of the country, and it so completely justified the noble Lord in his desertion of that party which had trusted in him, that it absolutely never was brought under deliberation and discussion. Well, Sir, then we have the great question of Parliamentary reform. The noble Lord took the whole of last year to mature his Bill on that subject, though it was one on which, as First Minister of the Crown, he had already introduced a project to this House. He had been three years besieging the House of Commons, but he took another year for consideration, and this year a measure is brought forward. But who, I ask, occasioned its failure? I believe the noble Lord will find his chief opponents most probably among those new allies with whom he now serves. We witnessed the emotion of the noble Lord when he had to come forward in the House of Commons to announce the relinquishment of his favourite scheme. There were some who were inclined to view that ebullition of feeling with indifference or with mockery; some imputed it to the lower sentiments of our nature; I did not; I expressed sincerely what I sincerely felt, and reflection has never made me for a moment regret that sincere expression of my conviction. I could easily understand how a person of the noble Lord's temperament might be so affected, and I felt that the tone of Parliament was rather raised and elevated by it than the reverse. But I cannot forget—at least, when the noble Lord attacks me as he has to-night—that he has made that measure one of his reasons for accepting the strange and equivocal position which he now occupies in the Government of Her Majesty. But there was yet another Bill which might have reconciled him to all the sacrifices which he has been obliged to make—and that received a most memorable discomfiture on Thursday night last. When I made the remarks which have called forth the recrimination of the noble Lord, I was asking the Government what were the prospects which they had of carrying them, when they announced their Bills at the beginning of the Session, and I might ask the noble Lord now for some explanations as to the relation which exists between him and the Government of which he is a Member. All the great measures for which he made such costly sacrifices have been defeated or withdrawn, but the noble Lord still retains his position. The most eminent statesman in this country—one of the oldest and most experienced of the Members of this House—one who has been three times Secretary of State—who has been Secretary of State in each department—who was Prime Minister of England for a long term—one who is associated with the memory of great principles—who is beloved by large bodies of his countrymen—who was the leader of a noble historic party—without a department, condescends now to accept subordinate office under one who is not only a Minister not entitled to the confidence of the country, but who was his ancient and inveterate political opponent, and whom only four years ago he rose and denounced in this House (he talks of connivance!) as a conniver with foreign conspirators. And now the noble Lord comes down to the House, and tells us that the defeat which his Bill experienced on Thursday night has been occasioned by my being false to the principles which I had previously professed. The noble Lord said, that I pretend to be an asserter of the claims of the Jews to political equality with the other subjects of Her Majesty, and that I made that cause subservient to political schemes; that when occasion suited me, I left the House, and did not vote, and that when on the occasion I found it convenient to vote against it, I did not hesitate to do so. Now, I give to that statement an unequivocal and unqualified denial. I deny that I ever absented myself at any period of my life from any division in which the claims of the Jews were concerned. I give the noble Lord's statement an unequivocal and unqualified denial. The noble Lord is Leader of the House of Commons, and he ought not to make lightly any such statements of any man, and least of all of me, with regard to such a subject. He ought to have informed himself better before he made such a statement. Suppose I had got up, and said that the noble Lord made Parliamentary reform a mere political convenience—that when it suited him, he made it convenient to quit the House, and did not vote at all on the subject; and then, again, when it suited him, he also knew how to give a vote against that principle. I might, and without much ingenuity, make a very colourable case against him on that head; but I should scorn to do it. I am convinced that the noble Lord is sincere in the views which he professes on the subject of Parliamentary reform, and that whenever he has voted against any measure of Parliamentary reform, he has done so from a sense of duty, convinced that by so doing he was benefiting the cause to which he wished success. But the noble Lord can make no colourable case against me. I never, on any occasion, have quitted this House—I never absented myself from any division in which the claims of the Jews were concerned; and if I voted against his Bill the other night, I tell the noble Lord that I do not consider that I voted against a Bill which could have benefited the Jews, but, on the contrary, that I voted against a Bill which I believe would have been of greater injury to the Jews than any measure ever brought forward. And, Sir, I will say more. I will even express my sorrow and my surprise that Gentlemen professing the Roman Catholic religion in this House should have deemed it consistent with their duty and their interest to support the measure of the noble Lord. I am confident that they never yet gave a vote which has more injured them in the estimation of the great body of the people of the country, and which more tends to weaken and injure their position, than the vote which they gave that night. I believe the noble Lord had no communication, direct or indirect, with the Roman Catholic body on bringing forward that Bill. I am quite convinced that none could recommend it, for I feel that Gentlemen of their acuteness must in a moment have seen that the noble Lord must have had some other object than advancing the cause of the Roman Catholics and the Jews in bringing forward that measure. What may have been that object, it is not for me to inquire; but I have a right to have my opinion upon it after the noble Lord has made these imputations against me. I believe the noble Lord has been much too easily influenced by counsellors who have already injured his position, and who will not rest in their endeavours until they have permanently sullied his once illustrious name. This I plainly tell the noble Lord. I have now endeavoured to vindicate myself from the attack which the noble Lord has made upon me; but I must repeat—because the subject is one upon which I do not wish to be mistaken that the noble Lord is in error—unintentional, I have no doubt—in stating that I ever left this House when a vote which concerned the claims of the Jews was called for.

Sir GEORGE GREY: I wish I could feel that the course taken this evening by the right hon. Gentleman is one calculated to elevate the tone and the character of this House. I certainly gathered from the tone of the observations made by the hon. and learned Gentleman the Member for Stamford (Sir F. Thesiger), in reply to the speech of my hon. and learned Friend the Attorney General in proposing a Motion for the discharge of the Orders of the Day for the Second Reading of these Bills, that he assented to the proposition; and I cannot understand why these Bills or the withdrawal of them should be made the occasion of a party discussion and an acrimonious debate—a debate which can lead to no decision of the House upon any of the questions put in issue by the right hon. Gentleman. The tone of the hon. and learned Gentleman the Member for Stamford was most becoming, and the discussion was carried on for some time in the same spirit and in the same tone, evincing a desire on the part of the House to take that course which was best calculated to eradicate corruption from the constituencies of the country. The question was about to be put when the right hon. Gentleman rose and made an unprovoked, a violent, and—for I must so call it—a personal attack upon my noble Friend the Member for the City of London, to which, on that question, he had no opportunity of replying, but to which he did reply when the next question was put, in compliance with the orders of this House. My noble Friend's reply was made, I think, in a tone of great moderation, and it certainly formed no justification for that further and still more violent personal attack now made upon my noble Friend by the right hon. Gentleman, and made with a vehemence of manner and gesture, and with an acrimony of tone and of language, hardly witnessed in those displays of which he has, unfortunately, in past times, given us so many examples. I am not going to follow the right hon. Gentleman through all those measures, which he calls assaults upon the rights of Her Majesty's subjects and upon our institutions, which have been introduced by Her Majesty's Government; but I rise on account of the taunt thrown out by the right hon. Gentleman against my noble Friend, for occupying the position which he fills, and for giving the Government of Lord Aberdeen the benefit—and I may say the undoubted benefit—of the high character he holds in the opinions of the people of this country and in the estimation of this House—a character which none of the invective of the right hon. Gentleman can in the least degree impair. The right hon. Gentleman has accused my noble Friend of throwing over his former Colleagues, and of lending himself to those who have been opposed to him all his life; and he has denied that the noble Lord, in taking that course, was actuated by any patriotic motives. He has accused my noble Friend of taking a course of which his past life, from the commencement of his Parliamentary career, is the best refutation; and I trust that when the right hon. Gentleman has sat as long in Parliament and has been as long before the country as my noble Friend, the esteem in which he will be held by the country will be equal to that in which my noble Friend is now held. I can only say that my noble Friend did me the honour to consult me as one of his former Colleagues, when, upon the dissolution of Lord Derby's Government, he was invited to take part in the Administration about to be formed; and I may say that his acceptance of his present position in the Government of Lord Aberdeen met with my hearty, sincere, and cordial approval. I felt—and I believe others of the noble Lords late Colleagues felt—that he would be shrinking from a public duty, and a duty which he owed to the country, if he allowed personal or private motives to interfere with his taking that share in the Government about to be formed which would be most conducive to the interests of the country. When the right hon. Gentleman endeavours to insinuate that there have been differences between my noble Friend and his former Colleagues, I could appeal to evidence, which perhaps the right hon. Gentleman would not like me to resort to, to show the uniform support which has been given by every former Colleague of the noble Lord in this House to the Government of which he is now a Member. Further, when the right hon. Gentleman expresses in this House a firm belief that the Government of Lord Aberdeen does not possess the confidence of the country, I would repeat what I and others have observed before, that I think it degrading to the party of which the right hon. Gentleman is the leader in this House, that these assertions should be made night after night without testing the opinion of the House and of the country in a proper and legitimate manner.

COLONEL PEEL could assure the House that no person had ever risen to address the House with greater reluctance than he did at present, and he might safely appeal to his past conduct in the quarter of a century during which he had had a seat in the House to bear him out in the assertion, that he had not been in the habit of trespassing frequently upon the indulgence of hon. Members. But though he had been a silent, he had not by any means been an inattentive observer of the events which had taken place during the important period in which he had occupied a seat in Parliament. Though perfectly free and unbiassed by party feeling, he entertained Conservative opinions which rendered it impossible for him to give his support to the present Government, but still he would never be a party to such attacks as that which had been made upon the noble Lord to-night. Such attacks only tended to weaken the Government in carrying on a war which he cordially approved, and, so far from believing that Government had been guilty either of credulity, connivance, or collusion, he gave them his entire support in everything they had done connected with the war; and both with regard to their financial measures and in every other necessary arrangement they might rely upon every assistance he could render them.

Order of the Day for Second Reading read, and *discharged.*

On Motion that the Order of the Day for the Second Reading of the Kingston-upon-Hull Bribery Prevention Bill be read, for the purpose of being discharged,

LORD JOHN RUSSELL said, I very much regret that there should be any occasion for me to address the House again; but, after the charges which the right hon. Gentleman (Mr. Disraeli) has made, and the assertions in which he has indulged with respect to my conduct, I feel that I cannot remain altogether silent when there is an opportunity of denying those assertions and of repudiating those charges. Let me say, however, in the first place, that if I have done the right hon. Gentleman any wrong with regard to his abstaining from voting, or with regard to any vote which he has given with respect to the rights of the Jews, it has been unintentional, and I heartily regret that I should have fallen into any error upon the subject. I could refer, if I chose, to the divisions in which the right hon. Gentleman has not been present, and the divisions which recur to my memory; but I do not wish to enter further into a private controversy of that nature. I am quite persuaded that the right hon. Gentleman has intended to serve the cause of the Jews in the course which he has taken, and therefore I do not wish to prolong any dispute upon the subject. But when the right hon. Gentleman accuses me of a factious opposition to Lord Derby's Government, and when he proceeds to attack me for taking a part in the present Government, I must be allowed to question the facts upon which the right hon. Gentleman relies, and to deny the inferences which he draws. The right hon. Gentleman accuses me of having entered into a factious opposition to Lord Derby's Government from its first commencement, and to have founded that opposition upon the Militia Bill. So far from founding it upon the Militia Bill, I did not ask the support of any of the party to which I belong on the subject of the Militia Bill. I came with great difficulty and after much consideration, to the opinion that that measure was not a good measure, and that it was one far inferior to that which I had introduced. I voted against the second reading, and I stated at the same that I should take no part in the Committee. I adhered to that determination; and so far from the assertion of the right hon. Gentleman being true, that I pertinaciously opposed every part of that Bill in Committee, I took no further part in the proceedings than making a single observation upon one portion of it on one occasion; but I never took any part in a division upon it; and in one instance, when there was a majority of only fourteen on an essential clause of the Bill, I absented myself from the House in order that I might not take any part in the matter, having once given my vote against the principle of the Bill. Such, then, is the foundation for one of the facts stated by the right hon. Gentleman; and I may here say that what I really did object to was the new principle stated and started by Lord Derby's Government—that, not having the confidence of the existing House of Commons, they would not appeal to a new Parliament, and that for a period of ten or eleven months they proposed to carry on the Government of the country without possessing the confidence of the House of Commons. The measures which were taken by the Opposition upon that occasion succeeded, and Lord Derby at length confessed that he would be obliged to dissolve Parliament as soon as the measures then before Parliament, and which it was absolutely necessary to pass, enabled him to do so, and that he would meet Parliament again with a view to ascertain whether the Government of which he was the head possessed the confidence of the House and of the country. There never was so unconstitutional a principle brought forward as that upon which Lord Derby's Government proposed to found itself, and it was not till that principle was avowed by Lord Derby in the other House of Parliament, and by the right hon. Gentleman in this, that I denounced, as I think I had a right to denounce, his Ministry, as a Ministry standing upon unconstitutional grounds, and I declare that they were bound either to obtain the confidence of the House of Commons, or not to retain office. The right hon. Gentleman says, with regard to the course I took at that time, that I constantly opposed the Government. Now, Sir, I did not often attend in this House at that time, and when I did, I sometimes voted with the Government—at least at times when they were in considerable difficulties, and I sometimes voted against them—I voted against them on the occasion to which the right hon. Gentleman has referred. I must, however, tell the right hon. Gentleman, that what most injured the Government of which he was a principal Member, was their own conduct. It was the way in which they carried on the Government, and the mode in which they attempted to obtain a majority in Parliament, which in fact destroyed their character in the country, and finally ruined their power. Well, then, the right hon. Gentleman says, that I opposed his plan of finance on the ground that it made a difference between permanent and varying sources of income, and that I overthrew the Government on that ground. Now, the utmost I did was to state that I entertained a doubt upon the subject, and that the proposal was entirely new. I took no part in the debate by which the Government was overthrown; but when it was overthrown a serious question offered itself to me, and I was obliged to give a decision upon it. That question was, whether, having taken a part, together with those connected with me, in overthrowing the Government, I could or could not take any part in the Government about to be formed. Now, Sir, I do not hesitate to say that if I had thought that a Government could have been formed either by myself or by any other party without a junction of different parties in politics, which Government would have been strong in the confidence of the House of Commons, I should have said it was better to have a Government of one party only than to have a Government formed of parties who had not hitherto acted together. But when I came to consider that question—when I came to consider the position in which I should have been placed had Her Majesty—which, from some intimation I received, I had reason to think might be the case—again sent for me to ask my advice, I felt that I should be obliged to say that I could not form any Government likely to obtain a permanent majority in the House of Commons. Could Lord Aberdeen with the assistance of Sir Robert Peel's friends have formed a Government? No; Lord Aberdeen thought that impracticable, and he declared to me frequently that to form such a Government was impossible. The Government of Lord Derby had been just defeated—after a dissolution—after every means had been taken (I will not now again enter into those means)—but after every means had been taken to procure a majority, that Government was not able to command a majority in the House of Commons. Was I then to contribute to bring Parliamentary Government into discredit? Was it not rather my duty to endeavour by every means to enable Her Majesty to form a Government which might have the confidence of the House of Commons? Sir, on this subject I did not act alone—I did not, after all, betray, or desert, or surrender the confidence of the great party with which I have been connected. My right hon. Friend (Sir G. Grey) who has just spoken has, I think, given you a testimonial that I did not surrender the confidence of that party; and, I may add, the man I naturally went to consult on that occasion was not one who had been constantly my enemy, and one in whom I could have no political confidence. The man whom I went to consult was my Lord Lansdowne; and I found with him a right hon. Friend of mine, as distinguished for his talent, as distinguished for his character, as any Member of this House—I mean Mr. Macaulay. I think I shall betray no confidence when I state what passed on that occasion. I asked Lord Lansdowne whether, supposing Lord Aberdeen were to have a mission from Her Majesty to form a Government, he thought I could be a Member of the Cabinet of Lord Aberdeen, and whether he thought it my duty to become a Member of it? We discussed various contingencies, and Lord Lansdowne ended with declaring that, in his opinion, it was my duty—a duty which I owed to the public—to accept office under Lord Aberdeen. Mr. Macaulay declared his opinion still more strongly. He said—"I know you are not afraid of responsibilities; but you never will have incurred so awful a responsibility as you will incur if you do not lend your utmost assistance in forming a Government at the present moment."

I consulted others, and among them my right hon. Friend who has just spoken; and they were all of opinion that the best mode of forming a Government was by uniting the Whig party with the party of the remaining Friends of Sir R. Peel, who were then ready to accept office under Lord Aberdeen. With regard to Lord Aberdeen personally, I must say I have always been on terms of private friendship with him. I have always respected his public character; and when I have had occasion to speak of his conduct in the Foreign Office during the Administration of Sir Robert Peel, I have said that, though opposed in many respects to that Government, I could not find that on any occasion the honour or the interests of the country had been sacrificed by Lord Aberdeen. Such was my public testimony to the conduct of Lord Aberdeen when I was in Opposition. The right hon. Gentleman chooses to say that when I spoke of my noble Friend the present Home Secretary (Viscount Palmerston) as not being the Minister of Austria, or of France, or of Russia, or of Prussia, I alluded to Lord Aberdeen. Sir, I made no such allusion—I meant no such allusion; but I meant to declare that though there was a coterie then formed in this country—composed, no doubt, of foreigners—my noble Friend was the Minister of England alone, and not of any foreign Power, and as such I defended his policy. I maintain that sentiment to this hour. I think that my noble Friend, as Foreign Minister of this country, upheld to the highest point the honour and interests of the country; and as I defended him in 1849, so I would defend him now. But, Sir, the question was whether, it being, as I thought, impossible to form a Ministry of the Whig party, impossible to form a Ministry of the followers of Sir Robert Peel, and unwise, if not impossible, to leave the Government in the hands of a party which did not possess the confidence of the House of Commons, and which, in my opinion, did not deserve that confidence—whether the men who had acted together on the greatest question which for some years had divided Parliament—namely, the question between protection and free trade—whether the men who had concurred on that question might not be able to concur on other questions and enter into office together. There were many of my former Colleagues to whom office was not proposed; there were some to whom office was proposed and declined; but, with regard to both one and the other, having the highest opinion of that party—having acted with them all my life—I felt sure that if they found their principles were the principles of the Government, if they saw that there was formed a firm Government, if they saw that which they considered a liberal course adopted, if they saw that liberal course tempered by the moderation which has always characterised the Whigs as a party, and which was so acknowledged and declared by Mr. Burke—if they saw that those principles were the principles of Lord Aberdeen's Administration, whether they held office or not themselves would be of no consideration, but they would as heartily and as willingly give their support to a Government so constituted as if they themselves formed a part of it. And, Sir, I have not been deceived in the men with whom I had acted. I do, indeed, form part of an Administration from which they have been excluded; but the Administration of Lord Aberdeen was naturally formed, in great part, of those with whom he had formerly acted. Since the formation of the present Government upon all general principles of domestic policy we have been agreed. I cannot, of course, pretend, after what has passed to-night, that we have been generally successful in the measures that we have proposed. I think we are engaged at present in a most difficult task, apart from any measures of reform of Parliament, of alteration of oaths, or of dealing with corrupt practices at elections. Should I be of opinion that the conduct of the war is not safe in the hands of the present Government—that that Government is not carrying on the war with the vigour which makes war successful, and with a view to a peace which alone could be safe and honourable, from that moment I should cease to be a Member of it. But, Sir, considering that this is the immediate, the great and the pressing question of the country, no taunts of the right hon. Gentleman would make me leave the Government with which I am connected—a position, God knows, one of far more labour and anxiety than of any pleasure, profit, or emolument. I repeat that, unless I were convinced that the present Government is not more likely than any Government which could be formed to carry on the war successfully, and to conclude it by an honourable peace, I should cease to be one of its Members; but, so long as I have that opinion, I shall trust to the House and to the country for putting a fair interpretation upon my conduct. I rely upon this country, knowing that, while most enlightened upon general questions, yet it is occasionally apt to be misled, now as in former times. Yet I rely upon the justice of this country, which has hardly ever failed, in the end, to construe rightly the conduct of its public men.

Mr. BERNAL OSBORNE: Sir, I am convinced that the sentiments which have fallen from the hon. and gallant Member for Huntingdon (Colonel Peel) have expressed the sense of the House upon those numerous matters which, as Sancho Panza used to drag in his proverbs, have been lugged into this debate by the right hon. Gentleman the Member for Buckinghamshire, and I shall not attempt, after the speech of the noble Lord the Member for London, to follow that right hon. Gentleman through all those topics. A proper time for that will, no doubt, arrive, when I shall be able to show the House and the country that the statements of the right hon. Gentleman are not so exactly correct as they would appear to be on his showing. But the right hon. Gentleman, who has been—to use his own expression, coined for the occasion—the Finance Minister of this country—has risen in his place and given an unqualified and unconditional denial to an assertion of the noble Lord with respect to a measure on which he is supposed to entertain sincere convictions. I think the right hon. Gentleman would have done better had he refreshed his mind previous to giving these unequivocal contradictions. What are the facts of the case? I shall not dilate on the right hon. Gentleman's observations with respect to divisions—I shall not dilate upon the right hon. Gentleman's studied silence, except upon one occasion—or on what he calls his "peculiar and mysterious feelings." We have seen the right hon. Gentleman lurking, like a guilty spirit, about the lobbies of this House while the debate was proceeding. I have seen him myself when, to do him justice, he came down to vote for the Jews. But there was an occasion—in 1850—when I find the right hon. Gentleman was absent. That, however, might have passed; I should not have presumed to make a great point of his mere absence. But what will the House say when they find that the right hon. Gentleman, who gives such an unqualified denial to the assertion of the noble Lord, that on one occasion the right hon. Gentleman, notwithstanding his "peculiar and mysterious feelings" on the subject, voted against the Bill? I shall be happy to refresh the right hon. Gentleman, who is usually so accurate, upon this subject. It was in 1850, on a Motion that the House should pledge itself early in the following Session to take into its serious consideration the form of the oath of abjuration as it affected the Jews, with a view to relieve them from the disabilities under which they laboured. That was a pretty distinct Motion for the right hon. Gentleman to vote against—he who complained that the Jews had not a form of oath to themselves—who insisted that Christianity was under such great obligations to the Jews that they ought to enter Parliament in a way peculiar to themselves; and yet upon that question the "Ayes" were 142, and the "Noes" were 106; and among the "Noes" is to be found the name of the right hon. Benjamin Disraeli. If the right hon. Gentleman has strong feelings upon this subject—which I doubt—he is bound to come down to the House and introduce a measure himself for the relief of the Jews. But how stands the case? He has given an unequivocal and unqualified denial to the statement of the noble Lord, that he was ever absent from a division on the Jewish question. I have proved that he was not only absent on one occasion, but that on another he actually voted against the measure. [Mr. Disraeli: No!] If this [holding up *Hansard*] is a misprint, then I retract; if it is not, then the right hon. Gentleman has been misinformed in giving the denial he did. I say to him, in conclusion, if he wishes his name to be as dear to the country as he lately told the gazing public the noble Lord's was, he had better not again hazard such rash assertions as this.

Mr. DISRAELI: I need make no remark on the harangue of the hon. Gentleman. All I said was, that I never absented myself from the House whenever the question of the emancipation of the Jews was before it. The hon. Gentleman has referred to one division in which my name does not appear. It is sufficient for me to say, that at that time, owing to a severe indisposition, I was absent for some time from Parliament. Of course that was not what the noble Lord meant to charge against me. His charge was, that I left the House to avoid the vote. With regard to the other point to which the hon. Gentleman has alluded, it is impossible for me to rebut the charge without looking back to the Motion in question, to see what the technical terms of the Motion were, as distinguished from other Motions. [Mr.

BERNAL OSBORNE: Hand the right hon. Gentleman the book.] I do not want to see the book. [*Laughter.*] It is easy for Gentlemen to laugh, but that does not alter the facts of the case. I remember that at a morning sitting the question was discussed, and there were some twenty divisions, and I voted, I think, on every occasion with the noble Lord; but there were some cross divisions on particular points, when, it is possible, I may not have voted with the hon. Gentleman the Secretary for the Admiralty. I remember very well there was a great number of divisions, and there was one Resolution moved, I think by Vice Chancellor Sir Page Wood, that Baron Rothschild should now be admitted to take the oaths at the table. To that I objected, and, with the noble Lord, and with many other hon. Members who supported Jewish emancipation, I voted against the Motion. I cannot be sure of the particular vote, but of this I am sure, that if the matter be investigated, what I have stated will be found to be substantially correct.

MR. WALPOLE: I do not rise for more than a few moments to interfere in this discussion, but I wish to make an observation or two on one or two points. The first is with regard to the last remark which has been made by the hon. Gentleman the Secretary to the Admiralty. I have not looked through the division lists, but having watched pretty closely, and taken my share in all the discussions on this question, I think I may safely say, from recollection, that the vote of my right hon. Friend, to which the hon. Gentleman alluded, was not with reference to the main question whether the Jews should be admitted into Parliament or not, but with reference to the question whether Baron Rothschild should then take his seat in the House. ["No, no!"] Well, I cannot be sure of the exact question on the occasion; but I am bound to say this, whatever may have been the actual division, I know certainly that no one in this House is more sincere than my right hon. Friend in his desire to obtain for the Jew admission to this House and to seats in Parliament. I know that, in private as well as in public; and though I have been opposed, and unfortunately shall be always, I am afraid, opposed to my right hon. Friend on this question, yet I also know, and I feel bound to declare, that if there is one thing more than another for which my right hon. Friend is entitled to the respect of both sides of the House, it is for the manly and honourable way in which he has come forward in support of the Jewish race; and I think I might add that, were it not for the manly support which he has given to that question, his position, if he had consulted his own interests, would have been higher—if at least it could have been higher—than the position which he now occupies. But his Friends have not lost confidence in him because he has stood by his principles, though they do not agree with him on that particular point, and they never will withdraw their confidence from him while from honest conviction he pursues his course, though different from theirs, in the same manly and honourable way which he has hitherto done. The other point on which I wish to make an observation is with reference to an opinion which fell from the noble Lord — an opinion in which I think the noble Lord is entirely mistaken. The noble Lord said that the reason why he opposed Lord Derby's Government was because that Government had acted in a manner which was unconstitutional, and in a different way from that in which any Government had previously acted in the history of this country. Now, the noble Lord, I think, will bear in mind the first debate which took place after Lord Derby's Government came into power. On that occasion I made a few remarks, pointing out the peculiar position in which we stood, acknowledging, as we did, that we had not a majority in the House at that moment; and I said then, what I say now, that the reason why Lord Derby was in power was, first, because the noble Lord opposite had resigned his office, having lost the confidence of the House of Commons; and secondly, because there was no other party strong enough to take the reins of Government except the party that was headed by Lord Derby. I remember that I added—and I thought the observation was acquiesced in and approved of by the noble Lord—that if the House had no confidence in Lord Derby's Government, those who thought so might bring that question at once to a vote, and that it would then be for us to consider, in case we were defeated on that vote, whether it would be incumbent upon us to resign office, or to take the sense of the country by a dissolution. I am sure I added that Lord Derby and his Colleagues had no intention to remain in power for a single moment, unless they possessed the confidence of Parliament. And, then, I must say and stoutly contend, notwithstanding the charge of unconstitutional conduct, that the question of confidence never was put to the House by any one; we pursued our measures, and we obtained majorities on every important occasion during the remainder of that Session; we were therefore doing nothing contrary to the constitutional responsibility due from Ministers to Parliament and the country; we were acting from a sense of what was due to both; and we did not hold and never meant to hold office in any other manner than that which the Constitution most properly prescribes. I believe the noble Lord and his Colleagues thought, down to the very time when the vote of Parliament was recorded against us, that it was a doubtful question whether we had the confidence of Parliament or not, and therefore the charge of the noble Lord is utterly untenable. It is to protest against that charge, that Lord Derby's Government had held office for a single day after they were entitled to hold it, that I have risen. Whether or not we deserved the confidence of Parliament during the limited period we remained in office, whether we conducted ourselves in a manner that has or has not been beneficial to the country, history alone will determine; but this House and the country, I think, will say that we walked in the paths of the Constitution, and that the charge which the noble Lord has brought against us this evening is a charge which cannot be maintained—a charge to which the Government of Lord Derby is in no way liable.

Mr. BRIGHT: I shall not detain the House for many minutes. We have had a more lively discussion than we have had for some time past, in the encounter between the noble Lord and the right hon. Member for Buckinghamshire. I will not say who has had the best of it, though I think the noble Lord has not come out of the discussion without some scars. I agree entirely with what the noble Lord says as to the motives with which he took office under Lord Aberdeen. Nothing that has happened, or can happen, will make me believe but that the noble Lord accepted office from the influence of motives which were highly honourable to him. At the same time, it is impossible to disguise the fact, that the elements of the Government were such, and to this day continue such, as to prevent the formation of a Government that can act for the welfare of the country. I recollect an ingenious Gentleman in this House, and one too who is a great friend of the noble Lord, expressing his opinion that the present Government would get on admirably if they only avoided politics. And that appears to be about the course which the Government has pursued. One great question has been settled—a question which had for years divided parties in this country—I mean the question of free trade, and all those kindred questions that related to the repeal of taxes whenever there was a surplus. Accordingly, on all such questions as those the Government have succeeded admirably in their administration, because there was no difference of opinion in the Cabinet, and principles had been thoroughly settled. Last Session, and during the present Session, the Chancellor of the Exchequer has not been unsuccessful—I may say that, upon the whole, he has been very successful. I do not refer to those measures which have been so much talked of in the City, but on all questions that relate to taxes taken off or taxes imposed. On all these subjects the Chancellor of the Exchequer was the salvation of the Government in the last Session of Parliament; and as far as his measures have been submitted to the House this Session, he has carried them by large majorities. But on all other matters the Government appears to be unable to advise, or to lead, or to control the House. It is clear that the noble Lord, who by courtesy is called the leader, does not lead this House, and the House does not follow him. The legislative measures which the Government has offered to the House have not been accepted in a friendly spirit;—though many of them are good measures, they have, unfortunately, been kicked overboard in a very unceremonious manner. With regard to the last measure of the noble Lord which was rejected—the Oaths Bill—I agree entirely with the noble Lord. I thought the Bill he introduced an admirable Bill—of course, putting aside my own particular objections to oaths of all kinds. I am amazed that any Member sitting on this side of the House should have voted against that Bill. I think it is a discredit to their intellect and judgment. The oath which the noble Lord proposed to substitute appeared to me to include everything which the most greedy lover of swearing could wish to be included in it; but, notwithstanding, it is true that the Bill was thrown out. The noble Lord cannot, then, in any sense in which the term was bestowed upon his predecessors, be considered as the leader of this House. But if the Government of Lord Aberdeen, which I have no doubt was formed on the most patriotic principles—if the noble Lord, who, I have no doubt, entered that Government with the most honourable views, finds, after seventeen months' experience, that the experiment is a failure—if he finds that the whole promises which were held out with regard to what was to be done in Parliament for this country by a union of men who had hitherto been separated in politics—if all these promises have failed, then I am not sure if it is not the duty of the noble Lord and his Colleagues—who are, doubtless, as patriotic now as they were sixteen months ago—to form, at no distant time, other combinations, which possibly may be more successful. The right hon. Gentleman the Member for Buckinghamshire, I must admit, has made a fair defence of his Government. Though I voted against him when his Budget was overthrown, and when the Ministry, of which he was so distinguished a Member, fell, yet I gave my vote, and I have never concealed my feelings either in public or in private, with great reluctance, not because I thought the Budget of the right hon. Gentleman was fair in itself, but because I did not see in the then circumstances of the country any direct advantage that would result from the overthrow of that Government. But the Government was overthrown, and the first adverse vote was followed by their resignation of office. But if the right hon. Gentleman had only been reckless enough to involve this country in a labyrinth of interminable negotiations, or in negotiations which were only terminable by the calamity of a war more interminable still, the right hon. Gentleman might have been Chancellor of the Exchequer at this moment. On the theory of the noble Lord, the majority of nineteen, by which the Government of the right hon. Gentleman was overthrown, was not more decisive than that which threw out the late measure of the noble Lord; but if they had involved us in war—if they had undertaken the responsibility of this great calamity—it would then have been the duty of Government, and the noble Lord himself would have said, "As you have got us into this war, you must get us out of it again—you must take the responsibility of the war on your own shoulders." That is the condition to which we are now driven by the Government. We have a Government which is far from advising, or leading, or possessing the confidence of the House of Commons, and I am extremely sorry for it, because many of their measures are wise and just; but still, not having the confidence of the House, they tell the House of Commons that it is absolutely necessary they should remain in office, because, having involved this country in war, it is very inexpedient, in the present state of things, that they should quit the service of the Sovereign. Well, I do not say there is no force in this argument, that when men have involved the country in war, it is fit that they should have the responsibility of fighting it through. But see what a pernicious principle that is to advance in the House of Commons. Because, let a Minister be ever so reckless, ever so unprincipled, ever so unpatriotic, yet by a course of concealed and mismanaged diplomacy, let him involve this country in difficulties with a foreign country, and then we are told that the majorities of this House go for nothing—that reform Bills, corruption Bills, oaths Bills, settlement Bills—all that in ordinary times were thought necessary for the welfare of the country, and for our Parliamentary system—all these are to go for nothing now—we may not be able to pass a single measure except those which have reference to the imposition of taxes—but as we have led this country into a war, Parliament must support us, and all other measures must be deferred. Sir, I have a liberty to speak on this question, because I have from the first denounced the course which the noble Lord has pursued, and which has ended by involving us in war. Lord Stratford de Redcliffe in Constantinople, and the noble Lord and his Colleagues in this House, have led us into these difficulties, and it now appears that not only legislative measures, but our very Parliamentary system itself, is to be the sacrifice. I do not want the noble Lord to resign. I do not want Lord Aberdeen to resign. No man has ever heard me say a single word depreciating the character of Lord Aberdeen. I believe that if that noble Lord had been at the head of a Cabinet partaking of his own views upon questions of foreign policy, we should have had no war. And from all I have seen of Lord Aberdeen since he took office, I have never seen but that he is as liberal in all matters of internal policy, and in all the measures which he is inclined to lay before the House and the country, as any other Member of the Cabinet. Believing, as I do, that this war is unnecessary and unjust, and fearing that, while it threatens to undermine and destroy the constitution of Turkey, it is likely to do something also to undermine and destroy the constitution of this country, I cannot think that the question which has been raised between the right hon. Gentleman and the noble Lord is as one-sided as some Members on this side of the House appear to think. I confess that, looking to the future, I can see nothing clearly defined as to the foreign policy of this country. We are engaged in a war for objects on which the Government has never yet condescended to enlighten us, and as to the terms on which peace is to be procured, no one has any idea. We have an ally who was denounced by Members of the present Cabinet not more than eighteen months ago, and who is in possession, or will shortly be in possession, of no fewer than four European capitals—Paris, Rome, Athens, and Constantinople. And seeing that all this has been brought about by what I believe to be the mistaken and mischievous policy of the noble Lord and his Colleagues, I see no ground for the noble Lord calling for the confidence of this House, or for the continued support and approbation of the country.

Sir JOHN PAKINGTON: I do not rise for the continuance of this debate, though I agree with the hon. Member for Manchester that the noble Lord has come out of it not without scars. I shall not, however, continue the discussion; but, as a Member of Lord Derby's Government, I am content to leave the question where it is—thanking my right hon. Friend the Member for Buckinghamshire for the able, spirited, and, I think, triumphant vindication of the Government of which we were Members. I must say that I think a very small portion of the House will agree with the hon. and gallant Member for Huntingdon (Colonel Peel) in speaking of the attack made upon the noble Lord. I think that all who heard, and all who may read this debate, will feel that the attacks were from the noble Lord himself; that the attack was made by the noble Lord, not only on the Government of Lord Derby, but upon my right hon. Friend personally, in consequence of his having made, in language which appeared to me not only temperate, but which the occasion justified, some observations on the extraordinary position in which the noble Lord and his Government were placed, in having abandoned half their measures, and being defeated on the other half. I think the country will feel the full force of those observations which have fallen from the hon. Member for Manchester, that the noble Lord and his Government now condescend to stand in a position, with respect to every question which arises, which the noble Lord apprehended might come in 1852, and which he thought was deserving of consideration, whether the Parliamentary system of this country was not in danger of being brought into discredit by it. I will here leave the duel between the noble Lord and my right hon. Friend, in which I think that the hon. Member for Manchester is right in saying that the wounds have been sustained by the noble Lord. My immediate object in rising— and I must request the attention of the House to that object—is to make some observations upon the ungenerous, unjust, and absolutely unfounded language of the hon. Gentleman the Secretary for the Admiralty with regard to the personal conduct of my right hon. Friend (Mr. Disraeli). The House is always just in personal questions, and I am quite sure that they will not now refuse their attention to the few words which I am about to say to them —not arguments of mine, but appealing to unanswerable facts—with regard to the charge which the hon. Gentleman has endeavoured to cast upon my right hon. Friend. I hope that hon. Member is in his place. The division to which the hon. Gentleman referred took place on the 5th August, 1850. The Motion submitted to the House was this—

> "That the Baron Lionel Nathan de Rothschild is not entitled to vote in this House, or to sit in this House, during any debate, until he shall take the oath of abjuration in the form appointed by law."

["No, no; that is the Amendment."] Hon. Gentlemen will be kind enough to be patient. I can easily understand they may be very sorry to have this little phantom that has been raised upset; but if they will do me the favour to listen to me, I will undertake to show that I am right. This was the Motion submitted to the House, and this was the main subject of discussion—

> "That the Baron Lionel Nathan de Rothschild is not entitled to vote in this House, or to sit in this House, during any debate, until he shall take the oath of abjuration in the form appointed by law."

Upon that Motion an Amendment was moved. I find that at least three divisions upon the general question took place, and the last was upon a Motion made—I apprehend resulting from the failure of the first Motion submitted to the House—the Motion ultimately was this—

"That this House will, at the earliest opportunity in the next Session of Parliament, take into its serious consideration the form of the oath of abjuration, with a view to relieve Her Majesty's subjects professing the Jewish religion."

The House divided, "Ayes 142;" "Noes" against this proposition binding the House to a given proceeding in the next Session of Parliament—"Noes 106;" and amongst the "Noes" I find the name of my right hon. Friend the Member for Buckinghamshire. The House will observe that the Motion against which my right hon. Friend recorded his vote was not a Motion for their admitting the Jews to Parliament—not a Motion even relating to the state of Baron Lionel de Rothschild—but a Motion pledging and binding the House to entertain this subject in the next Session of Parliament. Well, Sir, I have already stated to the House that this division took place on the 5th August, 1850. Will the House now permit me to read an extract from a speech which was delivered on that day—that very same morning—by my right hon. Friend near me? My right hon. Friend spoke at considerable length. Of course I will not trouble the House with more than an extract bearing upon the point upon which I am now speaking. My right hon. Friend found fault with the course which the noble Lord's Government had taken upon the subject of the admission of Jews to Parliament. My right hon. Friend then proceeded in this language—

"I have, I may add, when the question before the House has been the removal of the disabilities now in discussion, given the measures for such removal my unhesitating and unvarying support. I have, indeed, been sometimes accused of not accompanying the exercise of my suffrage with an expression of opinion on the subject itself."

That accusation has, if I remember right, been renewed to-night.

"I remember that the noble Lord at the head of the Government did, not in a very generous, certainly not in a very constitutional, way last year, remind me that my vote was a silent vote. Sir, if I thought that anything which I could say would have tended to accomplish an object dear to my heart as to my convictions, my vote would not have been a silent one. But inasmuch as I believe that my opinions upon the subject are not shared by one single Member on either side of the House, I thought that it was consistent both with good sense and good taste that, after having once unequivocally expressed the grounds on which my vote was given, I should have taken refuge in a silence which, at least, would not offend the opinions or the prejudices of any hon. Gentleman on either side. The opinions I then expressed I now retain. They are unchanged; and were it not presumptuous to speak of human opinions as being immutable, I would express my belief that they are unchangeable."—[3 *Hansard*, cxiii. 795.]

Now that speech was delivered on the very day on which the hon. Secretary for the Admiralty has charged my right hon. Friend with having voted adversely to the admission of Jews. The hon. Gentleman the Secretary for the Admiralty also used an expression which I believe he meant for a quotation from the language of my right hon. Friend when he spoke of his "peculiar and mysterious opinions." I believe that I am right in stating that the word "mysterious" was never used by my right hon. Friend, and I give a public contradiction to it. It is needless for me to say more. I am not surprised that my right hon. Friend should not have condescended to answer in detail such an attack so made. But justice should be done. I think that the extracts I have read, made from a speech delivered on the day on which the vote in question was given, must show conclusively to the House whether or not upon that occasion my right hon. Friend meant to give a vote at variance with opinions and with conduct from which it has been my fate, like my right hon. Friend the Member for Midhurst (Mr. Walpole), always to differ, but which have been adhered to by my right hon. Friend the Member for Buckinghamshire with a decision, a boldness, and an honourable consistency which, I believe, has tended to win him the confidence and regard of all Members on this side of the House, whether they agree with him or not.

THE CHANCELLOR OF THE EXCHEQUER: I do not wish, Sir, to enter in any degree into the controversy of this debate; and I am glad it has fallen to my lot to offer the few words I have to say by way of explanation to the House at a time when the heat, which was at the moment certainly considerable, has, in a great degree, cooled down. It seems to me that, in a controversy of this kind, hon. Gentlemen can differ, and, no doubt, conscientiously differ, even on that question which I thought so clear—the question which was the assailant and which the defender in this passage of arms—and that is a warning to me not to enter, without necessity, into the discussion. I will therefore confine myself to an endeavour to set straight, in a temper, I hope, of perfect calmness, one or two points which it appears to me do not stand quite correctly before the House. I think the right hon. Gentleman the Member for Midhurst did not state with accuracy the position assumed by the Government of Lord Derby at the outset of his Administration, or the circumstances which gave rise either to the opposition or the objections to that Government in this House. He stated, very truly, that an agreement was come to that the necessary business of the Session should be wound up, that Parliament should be dissolved, that a new Parliment should be called before the close of the year, and that the judgment of that Parliament should be invited with regard to the question of confidence or no confidence in the Administration of Lord Derby. I do not mean to say that the right hon. Gentleman stated the whole of these points, but he must, I apprehend, be understood to advert to them when he says that that was a perfectly constitutional basis for a Government to stand upon. In that I perfectly agree with the right hon. Gentleman; but he will allow me to remind him —I hope without any words of acrimony— that that was not the original profession with which Lord Derby assumed office. The profession with which Lord Derby assumed office, and the declaration which fell from him in the most explicit terms, was to this effect—that what we had to do was, not to consider whether the Government that had been formed was supported by the confidence of a majority of the House of Commons concurring with it in political opinions, but, on the other hand, a totally different matter, namely, whether the time was not come to set aside the discussion of political and party questions, and to apply the attention of Parliament to what Lord Derby then, I think, described as questions of useful practical reform on which no difference of party need prevail, and which would find employment for a Government alike whether it had or had not the confidence of the House of Commons. That, Sir, was the original declaration upon the strength and upon the terms of which the Government of Lord Derby, by the mouth of Lord Derby in the House of Lords, proposed to administer the affairs of this country. To that, undoubtedly, objection was taken. I cannot be surprised the noble Lord the Member for the City of London felt great objections to such a proposal. Intimations were made with which, I have no doubt, many hon. Members now present are acquainted, which led to a different state of things. It was after that that the Government did come to what may be called an understanding with Parliament, and a declaration was made, both in this and the other House, which went clearly to the effect that the business of the Session was to be wound up, that a new Parliament was to be called, and that the opinion of the House was to be then taken upon the question of confidence in the Ministers. I do not think that the right hon. Gentleman was quite justified in his reference to the "sanctimonious eloquence of the Chancellor of the Exchequer," and I think his own conscience may give him a little twinge on that subject. The "sanctimonious eloquence of the Chancellor of the Exchequer," as he chooses to call it, was exercised for this particular purpose; when a distinct understanding had been come to with Parliament, with a majority of Parliament—I am not speaking of any breach of faith on the part of Lord Derby's Government—but when a distinct understanding had been come to by a majority of the House to effect the necessary business to which the Session was to be confined, they were perfectly entitled to protest against the introduction of that which was no part of the necessary sessional business; but, as the right hon. Gentleman has described it to-night, a spice and specimen of Parliamentary reform. It was against that portion of the operations of the Government of Lord Derby that the "sanctimonious eloquence" was used, and, sanctimonious as it was, it had the effect of persuading a very large majority of the House not to take any step towards hampering the Government of Lord Derby or towards impeding the fulfilment of its engagements, but of confining it entirely to the discharge of that necessary business. The other point upon which I wish to touch is in reference to what has fallen from the hon. Gentleman the Member for Manchester. I should be very sorry, indeed, that a misstatement so important as that into which he has, no doubt unintentionally, fallen, should, after having been made in the presence of a Member of the Government, go forth to the country without any contradiction or explanation—I mean that misstatement which was, no doubt, founded entirely upon a misapprehension of the language which was made use of by my noble Friend the Member for the City of

London. The hon Gentleman the Member for Manchester said—I don't quote his words, but I hope I shall represent their effect clearly—"The noble Lord admits that, for all legislative purposes, the Government have lost the power of guiding the House of Commons, but he makes a claim of this nature, that, although the Government have lost the confidence of the Parliament for the business of legislation, yet, inasmuch as the Government have likewise succeeded in involving the country in a dangerous war, the House of Commons must hold itself debarred from its right to withdraw its confidence in the Government, and its tenure of office shall be prolonged from this period until the war is finally settled." Such a doctrine as that undoubtedly never fell—I will not say from the lips of the noble Lord—but I never heard doctrines so absurd propounded by any hon. Gentleman, however little noted or distinguished in this House. To make an announcement that any Gentlemen who may have got possession of office have nothing to do but to involve the country in a war, and then to say they shall thereby acquire a lease of power which shall last until that war is concluded, really implies a height of impudence or of folly to which I do not think that any of us have as yet ascended. The doctrine of my noble Friend was, if I understood him rightly, of a different character entirely. He stated that, in reference to many measures of ordinary legislation, it was undoubtedly true we had failed during the present Session of Parliament in persuading the House of Commons to adopt our views; but, he said, there were other questions of extraordinary magnitude, which at this period transcend all questions of ordinary legislation—he did not say that those were matters upon which the House of Commons had no right to pronounce—that those were matters upon which the House of Commons had no right to give their confidence or withhold it—what he said was, there were great questions connected with peace and war which were now the direct and primary questions which threw all others into the shade, and with respect to those great primary questions the House of Commons had not thought fit to withdraw its confidence from the Government, but had upon every occasion given the most unmistakeable support to the policy of the Government in the shape of a triumphant majority. I hope, Sir, I have made it perfectly clear to the hon. Member and to the House that the doctrines of my noble Friend are entirely and essentially different from what the hon. Member supposed them to be, and I join with him, and I am sure I may say with my noble Friend, in protesting against a supposition that we were capable of propounding or entertaining such a notion as this, in error, he has ascribed to us. Sir, I think that nothing can be more invidious in Members of an existing Administration than a hostile review of the measures of former Governments. My noble Friend, as it appeared to me, confined himself—in a tone, as I thought, most calm and dignified—to so much reference to questions of that class as was absolutely extorted from him by the necessity of the case. No such necessity is incumbent upon me, and therefore I shall enter upon no such discussion; but I may, perhaps, with great deference to the judgment of those who have spoken, be permitted to plead that I do no think that the case of legislative impotence has been so fully made out against the Administration of Lord Aberdeen. The Administration of Lord Aberdeen has held office for just one Session and a half. The Session of the present year has been a Session during which there has been an extraordinary disturbance in the public mind. If we are told in the House of Commons that we have not been able to make that progress with legislative measures that might have been anticipated, and might have been desired, I think it is fair that those who so exercise the office of critics should recollect what is the effect of a European war upon the mind of the nation and the disposition of Parliament itself. I think that those who, naturally enough, are disposed to impute this want of progress to the Government should go back to the period of former wars, and should see what amount of progress in pacific legislation has been made by strong Administrations in periods when the public mind was at once excited, absorbed, and exhausted by the anxieties and the efforts of the war. But, if I may be permitted to advert in defence of ourselves to the last Session of Parliament, I do not think there will be found a recent Session in which a greater number of substantial and important measures were brought forward and successfully carried. I am sure, Sir, I am the last man who has any reason or any disposition to complain of the hon. Member for Manchester as to what he has said; but I am bound to appeal to his sense of justice when I say, I think that what he has stated is not a strictly accurate or true description of the occurrences of last Session. He will remember that measures of great political importance and difficulty, such as that relating to the Canada Clergy Reserves, and that measures of great complication of details, such as that relating to the government of India, were introduced and carried through Parliament during the last Session; and I think I can further appeal to him, when I say that I do not at this moment recollect a single case of an important first-class Bill which was withdrawn from the House of Commons or the House of Lords during last year, with one exception, namely, the Education Bill of my noble Friend the Member for the City of London, which was withdrawn for the simple reason that it was impossible to bring it into discussion until we had overpassed the limits of an ordinary Session, and the exhausted patience of the House made it absolutely necessary that some remission should take place. Sir, these matters, which ought not to be mentioned otherwise than in self-defence—I trust it is not improper to mention—for, after all, it is impossible altogether to separate, in a question of this kind, the question of the credit of the Government from the question of the credit and character of the House of Commons. It was the House of Commons—it was the feeling of the House of Commons—that enabled the Government last year to conduct the legislative business of the country; and if, during the present year, the results have been different, I appeal to your sense of justice to consider whether that has been owing so much to carelessness, or neglect, or want of competence, as to that marvellous and profound change which seems to pass upon the temper of the people, and which passes upon the temper of the Legislature, which you may trace every night in every discussion of the Session, when the energies of the country have been drawn upon for a tremendous external struggle, and in being so called have been of necessity diverted from the pacific purposes to which in former years they have been, and to which in future years God grant they may be again directed.

Lord HOTHAM said, that some petitions in relation to one of these measures had been entrusted to him, and though the Government had signified their intention to withdraw the measures to which they had reference, he should feel it his duty to present them. The first was from a solicitor at Hull, who stated that he gave a vote at the last election for that place, but that he neither canvassed nor took any active part in the election; that he had neither received nor paid money to any one on account of it; that he was not examined before the Commissioners as to the commission of bribery; and that he was not by any of the witnesses accused of having committed bribery, and yet his name had been included in the Schedule. He therefore prayed that this Act might not be allowed to pass, and that, if it did, his name might be expunged. Two of the other petitions were, one from a solicitor, and the other from a merchant and shipowner of the same place, containing statements to a similar effect, and praying to be heard by counsel at the bar of the House against the Bill. The last petition which he had to present, which was signed by nearly 400 persons, stated that in consequence of the proclamation of the Commissioners, a general opinion was entertained throughout the town of Hull, that those who gave their evidence freely and truly would be protected from all consequences whatever—not only from penal consequences, but from all disabilities and similar consequences. In consequence of this assurance they had given their evidence without hesitation or restraint, and they considered that the contract thus entered into by the Commissioners had been repudiated by Her Majesty's Government by the Bill brought into Parliament. Such a proceeding they considered to be contrary to the first principles of justice, and they prayed to be heard by counsel at the bar of the House against the passing of the Bill.

The order was then read and discharged, as were also those relating to Maldon Bribery Prevention Bill and the Barnstaple Bribery Prevention Bill.

EXCHEQUER BONDS (£6,000,000) BILL.

Order for Second Reading read.

Sir HENRY WILLOUGHBY called the attention of the right hon. Gentleman the Chancellor of the Exchequer to the circumstance that a portion of these bonds being to be applied to the cancelling of Exchequer bills, and the remainder to the borrowing money, the accounts would be very much complicated, and it would be exceedingly difficult for any one to ascertain the exact state of the public finances, since, if they did not know the exact amount taken for money, they could not tell the sum added to the debt. The question he wished to submit was, the absolute necessity that the House should in these bills take some security that these bonds should not be converted into permanent funded debt. During the year 1853, the Chancellor of the Exchequer, by means of Exchequer bills and the sale of the savings bank stock, added 1,254,000*l.* to the permanent funded debt of the country. He sold 778,000*l.* Three per Cent Stock belonging to the savings banks at prices varying from 97 to 91, in order to buy Exchequer bills paying 30*s.* a year. That same stock had been purchased at prices varying from 97 to 101½. There was therefore a considerable loss upon the transaction, which would have to be made up by the country. If the right hon. Gentleman could thus, by a tortuous process, convert funded into unfunded debt last year, he could do it again, and some security ought to be taken that he should not repeat the process. So tortuous was the process by which this was effected, that he (Sir H. Willoughby) had only been able to convince two or three Members of that House that this addition to the debt had actually taken place. The right hon. Gentleman had criticised the conduct of Mr. Pitt for borrowing money during the pressure of a war; and he (Sir H. Willoughby), therefore, called upon him to tell the House how he (the Chancellor of the Exchequer) could sanction an addition to our funded debt in the fortieth year of peace, and to explain what was his real policy on this subject. He would propose the insertion of a clause to the effect, "that no portion of the unfunded debt be converted into funded debt without the knowledge and consent of Parliament." In the year 1853, between the months of May and October, a sum of 1,200,000*l.* belonging to the savings banks was sold, and the proceeds invested in Exchequer bills bearing interest of only a penny a day, and that sum was afterwards added to the funded debt. If they were to raise money by increasing the unfunded debt, let them do so, or, if they were to have a loan, let it be a loan in name also. The right hon. Gentleman, as one of the Commissioners for the reduction of the national debt, had a very considerable power vested in him of dealing with the savings-bank stock. He had used it last year to some extent, and there was nothing to prevent his using it again. The unfunded debt at present exceeded 17,000,000*l.*, existing in Exchequer bills, and it was now proposed to raise 4,000,000*l.* more. When the question of the saving banks came before the House, he would be prepared to prove that there had been a considerable loss on the operation of last year, but the calculations were too complicated to go into them at that moment. The power vested in the Chancellor of the Exchequer was so great that it ought not to be exercised without the consent of Parliament.

THE CHANCELLOR OF THE EXCHEQUER was sorry to say that, under present circumstances, it was impossible for him to answer the appeal addressed to him by the hon. Baronet fully; for he spoke within the mark when he said that it would require at least two hours to make an explanation that would be intelligible of the complicated system of powers lodged in the hands of the Chancellor of the Exchequer by the existing law, and which the hon. Baronet had briefly, and he thought somewhat obscurely, alluded to. All he could say was that, in his opinion, those powers well deserved, and, indeed, he should say required, the deliberate consideration of the House; and that he should be very glad if he could find himself in a condition to bring the system under the calm and patient review of the House, with the view, at the same time, of recommending to the House the great improvements of which he thought it stood in need; because it appeared to him that, in various respects, the Finance Minister of this country had in many respects too little power in his hands for the good of the public, whereas, in other respects undoubtedly he agreed with the hon. Baronet—in fact, he was not sure that he did not go beyond him—he had a great deal too much power, and exercised powers that ought to be greatly restricted. The hon. Baronet had asked him for a pledge that there should be no new creation of funded debt without the authority of Parliament. He (the Chancellor of the Exchequer) could go thus far—he could tell the hon. Baronet that he did not anticipate the creation of any funded debt without the authority of Parliament, under the present circumstances of the country, but he should be going far beyond his duty if he were to give him any universal, permanent, and unconditional pledge to that effect. There were circumstances in which it might be an absolute obligation on the Chancellor of the Exchequer to perform processes which would result in the creation of funded debt without the authority of Parliament, but of course in the exercise of the powers which Parliament had entrusted to him. So far as the Bill on the table was concerned, the hon. Baronet was aware that it was for the purpose of making a permanent addition neither to the funded nor the unfunded debt, but for the purpose mainly of anticipating the produce of certain taxes, which Parliament had actually agreed to, but which could not be raised for some considerable time; and further, for the purpose of giving a margin of cash, in case of need, to the Government, under the extraordinary circumstances of the war, and the unforeseen demands of which a war might be productive. Retrospectively, he was bound to say that he should be happy to enter, upon any convenient occasion, into a discussion of the transactions of last year, to which the hon. Baronet had adverted; but he begged to say that he should stoutly contend that neither the public nor anybody else had lost one farthing by those transactions—that, on the contrary, they were a wise and prudent application of the public money, under the circumstances of the times. When it shall come before us, I hope the House will sift the subject; but so far as the savings banks were concerned, he could pledge himself to show that nobody had sustained any loss by the transactions of last year. With respect to the main purpose of the hon. Baronet, his object seemed to be to ascertain whether the present application was made to Parliament with a view of using the money which might be raised under the Bill for the formation of a funded debt without the assent or authority of Parliament. There was certainly no such intention, and he did not anticipate any circumstances occurring that would give rise to a necessity of the sort. The hon. Baronet said that he had found it difficult to persuade hon. Gentlemen that there had been an actual increase of funded debt during the last twelve months, and that he could not find a Gentleman who was aware of the fact. He (the Chancellor of the Exchequer) did not at all wonder at that. On the contrary, he should have been surprised if it had been otherwise; for there had been nothing of the kind—in reality the amount had been rather reduced. If, when he spoke of an increase of the funded debt in 1853, the hon. Baronet meant that certain stock had been created in the names of the National Debt Commissioners that did not exist before, and, moreover, that a portion of that stock was created out of moneys which were obtained by the sale of other stock, no doubt it was perfectly true; but the hon. Baronet must be aware that whilst 1,000,000*l.* or 1,250,000*l.* of new debt had been created, above 8,000,000*l.* of funded debt had been extinguished.

Mr. HUME thought the observations of his hon. Friend (Sir H. Willoughby) should not be allowed to pass with the brief explanation just given by the Chancellor of the Exchequer. His hon. Friend had objected to the power of the Finance Minister to take the money of the savings banks for the purpose of supporting the credit of the Government in Exchequer bills. Some years ago that was done by a Chancellor of the Exchequer—Mr. Herries—and a great loss was incurred. Upon the debate which took place upon that occasion it was clearly acknowledged that the power, although possessed by the Chancellor of the Exchequer, ought only to be exercised in cases of emergency. At that time, he (Mr. Hume) wished that the power should be withdrawn, but the matter was met by the Chancellor of the Exchequer giving the assurance to the House that he would not again exercise it. Accordingly, it had not, until recently, been exercised—with a slight exception in the time of Lord Monteagle, who, however, at the same time, disapproved of it. He (Mr. Hume) had very great doubt whether the Chancellor of the Exchequer had any right to advertise for 4,000,000*l.* or 6,000,000*l.*, without coming to Parliament for their authority; no Chancellor of the Exchequer should have power to raise money either on the funded or unfunded debt without a vote of the House of Commons. As he did not understand the right hon. Gentleman to object to the observations made, he hoped they would be sufficient to prevent any further interference with the savings bank stock. In his opinion, nothing of the kind ought to be done. Even the Exchequer bills fell to below the market price. The Chancellor of the Exchequer ought not to allow them to come to such a figure, but should keep the public credit above par. He did not wish to oppose the Bill, but wished to take this opportunity of stating his opinion, as he was absent on the last discussion. He did not agree with those who found fault with the right hon. Gentleman for attempting to raise money on these Exchequer bonds when he required it; but he had to find fault with him. He last year supported him in the proposition which he made when money was plentiful, and when the change in the money market could not have been foreseen. But he found fault with him for having afterwards paid off the South Sea Stock holders, by taking the balances out of the Exchequer; and in the then state of the money market he ought to have come forward and have reinvested that 8,000,000*l.* rather than have paid it off under the change of circumstances. He complained of him for not having then come to Parliament and invested the money paid to the South Sea Company. He might have raised the 8,000,000*l.* on terminable annuities, without making any alteration in the amount of the debt, but simply replacing that which circumstances had obliged him to pay off. The change in the money market defeated him; but he (Mr. Hume) believed that no man could conscientiously say that twelve months ago, when the plan was before the House, he anticipated what had taken place. The Chancellor of the Exchequer was not to blame for not having foreseen what was almost impossible; he, therefore, did not think that he was to blame. The Chancellor had stated that he considered his powers too extensive; they ought to be taken away, and thus future Chancellors would be deprived of the power of doing harm even unintentionally. No money ought to be borrowed without the consent of Parliament. The confidence of the moneyed men would go with the Chancellor when they found everything done openly. He would find his best course to be to act openly and above board. Let him not attempt by secret means to outreach what were called the moneyed men. They were not to be got the better of. He (Mr. Hume) hoped the Chancellor would never attempt to raise money, either as funded or unfunded debt, without coming to Parliament. If he was in the right, Parliament would support him; if not, he would not, and ought not, to succeed. He hoped the House would take from the Chancellor the power of doing harm.

Mr. THORNELY wished to make a suggestion with regard to the Exchequer bonds. He thought they would become favourite securities when better known in the country, as they afforded the same Government security as Consols, without being subject to the fluctuations. He would suggest that when tenders were called for, they might be received not only in London or at the Bank of England, but in the country banks, or at least in all the branches of the Bank of England. The metropolis was the great centre of the money market, but there was a large amount of capital in the manufacturing districts.

Mr. WILLIAMS said that the power lodged in the hands of the Chancellor of the Exchequer of effecting changes in the savings banks money had been complained of in that House a great many years; and no doubt it had at various periods been greatly misapplied and misused. If the right hon. Gentleman would consent to repeal that power, and introduce a clause for the purpose, he believed he would thereby add much to the reputation he had so justly acquired by the reforms and improvements which he had already introduced in the financial system of the country.

Mr. GLYN concurred with his hon. Friend near him (Mr. Thornely) in the opinion that Exchequer bonds, when thoroughly understood, would become a favourite source for the employment of capital, not only in the metropolis, but in the country; and he thought there was considerable weight in what his hon. Friend had said about having recourse to tenders in different parts of the kingdom. But the Chancellor of the Exchequer had taken power by this Bill to issue the debentures at 4 per cent. Would it not be expedient, however, to consider if inconvenience might not possibly arise in the money market if he had two issues of Exchequer bonds—one at 3½ and the other at 4 per cent? To make these bonds popular there ought to be an extended market for them; but the right hon. Gentleman might rely upon it, that if there were two securities of the same form, but of different rates of interest, he would encounter considerable inconvenience on the part of the dealers with regard to the manner in which they would be inclined to deal with them. He could have wished, indeed, that the right hon. Gentleman had issued them all at 4 per cent. He would take that opportunity of asking the right hon. Gentleman whether any measures had been taken by the Bank of England for the purpose of bringing up, under the power vested in them by the Act of 1844, the fixed issues of the country to the amount which Parliament thought right to name in that Act? The right hon. Gentleman was aware that the country issues had already fallen off to the extent of 700,000*l*., and by the Act of 1844 the Bank of England, with the concurrence of the Queen in Council, had the power of replacing that amount by adding to the fixed amount of its inland issues. The most important part of the machinery of the Act was that to which he had just alluded; and he must say he could not understand why such a power was left in the hands of the Bank; because it was clear that they were the last body whose interest it would be to put it in force, seeing that the profit arising from their so doing was derivable by the Treasury and the public at large, and not by the Bank themselves. There was now no reason why the fixed issues should not be 14,700,000*l*. The London bankers had lately entered into an arrangement which would facilitate business and economise the currency, and they were entitled to every advantage that the provisions of the Bank could afford them.

THE CHANCELLOR OF THE EXCHEQUER would answer the last question. No application had been made by the Bank to the Government to exercise the power given them by the Act of 1844 of replacing the country issues. The arrangement of the London bankers, which, as stated by the hon. Gentleman, tended to economise the currency, was rather a reason for not exercising the power.

MR. HENLEY: The right hon. Gentleman having to-night made the announcement that the powers vested in him were more extensive than they should be, and ought to be curtailed, he wished to know whether—not with reference to the discretion which he himself might exercise, but with reference to any other parties—it was the intention of the right hon. Gentleman in the present Session of Parliament to bring in any measure to limit and regulate those powers. If the right hon. Gentleman had made up his mind on this point; if he were of opinion that the power he possessed as Chancellor of the Exchequer, of dealing with the savings banks money was injurious, then it was highly desirable that he should introduce a measure upon the subject with the least possible loss of time. He (Mr. Henley) would be glad to know, therefore, if the right hon. Gentleman had any hope of dealing with that question in the present Session of Parliament?

THE CHANCELLOR OF THE EXCHEQUER had not the slightest hope of being able to deal with the measure in the present Session. The right hon. Gentleman had omitted to notice half the statement to the effect that while the powers lodged in the hands of the Finance Minister were in some cases too large, they were in other respects much too limited.

Bill read 2°.

CUSTOMS DUTIES (SUGAR) BILL.

Order for Second Reading read.

MR. J. L. RICARDO said, this Bill had only been placed in the hands of Members at twelve o'clock that day—consequently, they had had but little time for its consideration. The Government had to-night passed a sufficient number of Bills relating to finance to satisfy the most inordinate appetite for such measures, and he hoped they would afford sufficient time for its discussion. He regretted to observe, that when the right hon. Gentleman moved the Resolutions relating to the sugar duties the other night, he did not mention the most important principle which they contained. The trade was therefore taken entirely by surprise. Under these circumstances, he asked the Government not to proceed with the Bill before Whitsuntide, in which case no opposition would be made on the present occasion.

MR. J. WILSON said, the objections to which his hon. Friend alluded were objections not to its principles, but to details, which could alone be properly considered in Committee. He therefore proposed to state the general views of the Government with regard to the measure now, especially in relation to some points on which differences of opinion existed; and then to read the Bill the second time, after which, if the House considered that any good would arise from delay, he should have no objection. At the same time he must observe, that already complaints were made of the inconvenience to which the trade was at this moment exposed, from the uncertainty which still hung over the Resolutions to which the House of Commons might arrive, and he would therefore now proceed to state the views of the Government on the subject. The objections to the Bill were not of the nature which in previous times had often been made to measures of this description. The old principle of protection was no longer contended for, and therefore it was unnecessary for him to say anything in relation to that principle of the measure which contemplated the immediate equalisation of the duties on sugar, from whatever country it might come. The only objection which he had heard to the principle of the Bill, was that taken by the hon. Member for Ashburton (Mr. Moffatt) relative to the introduction of the proposed scale of qualities in fixing the duties. No man was more alive than he to the disadvantage of any change in the mode of striking the duties upon articles of general consumption; and he wished it were in his power to suggest any measure by which the grave objection to this course in commercial quarters could be got rid of, because it would not only simplify trade, but it would give just encouragement to those who manufactured a fair article in the best manner. The Government were fully alive to the justice of the complaints they had received from the producers of some of the most deserving and improving qualities; and he admitted that those manufacturers in the West Indies who had introduced vacuum pans, and in the East Indies who had adopted improved processes of making sugar at a great outlay of capital, had some right to complain, if by discriminating duties this country gave encouragement to the manufacture of an inferior article. But as long as there were discriminating duties, it was impossible to levy a single duty on all sugar except refined sugar; and if refined sugar alone were excluded, there would soon be sugars manufactured equal to it in quality which would have to pay the lower duty only. The only other proposition for distinguishing the various qualities of sugar was that for refining in bond. But in that case there was, in addition to the discriminating rates, a still more important objection to the proposition—namely, its interference with an important article of trade by an Excise duty. There was no alternative, therefore, but to adopt the medium course between both as the lesser of two evils—a plan which, though not perfect, was the most perfect that could be applied to the case. It was the intention of the Government, consequently, to prohibit for the future all refining of sugar in bond, as it was essential to have one uniform system under which all refineries should be placed. The discriminating duty being abolished and one uniform duty imposed, there existed no longer any excuse for refining sugar in bond. It was the intention of the Government, therefore, to repeal those clauses in the Customs Act which empowered the Commissioners of Customs to grant licences for refining on bond. The terms proposed to enable bonded refineries to become free refineries were these:—It was proposed that bonded refineries at present in business should proceed with that business until the 26th June; and that after this they were to receive no more raw sugar for refining. They would then be allowed to work up the produce in hand until the 2nd July, and from that until the 5th July they would be allowed to place their manufactured stocks in bonded warehouses in the docks, on the same terms as refined sugar imported from abroad. It was proposed then that stock should be taken on the remainder left in the various processes of refinement after the 2nd July, and that the duty should be levied on it as on the raw material. And it was then proposed that from and after the 5th July, the duty on this stock being paid, they should be allowed to work from thenceforward as free refineries. There was another important question then to be considered — namely, the drawback. It would become, under these circumstances, necessary to provide for the foreign export trade in refined sugar; and it was therefore proposed to allow a drawback in proportion to the qualities of the article exported. But as the sugar trade was at present in a state of transition, and the qualities exported were becoming much more various than they had been, it was impossible to fix at the present moment the amount of the drawback. It was therefore proposed to confer power upon the Queen in Council to vary and increase the drawback as might be required by circumstances. As regarded drawback it was an essential principle to the sugar trade that it should be fixed upon strictly equitable principles. While refining in bond existed, drawback was more nominal than real. If, under the new system, drawback was made too large, it gave a solid bounty to the British refiner; while if it was made too small, it placed him in an unfair position with regard to the competition with the refiner of Holland and Belgium. Therefore, although a certain amount of drawback was stated in the Bill, he (Mr. Wilson) was not prepared to say that there would not, as the result of an investigation now going on, be some slight alteration in the rates. There was one point of importance to the sugar trade to which he should refer—one on which he believed there would not be such general concurrence on the part of the planters as he expected with the other propositions in the Bill. The Government had been frequently asked to permit the use of molasses and sugar in breweries as well as in distilleries. At present, both were used in distilleries; but the reason of the permission in this case was obvious, as the Government had the machinery of the Excise to bring to bear upon these establishments. Any difference of duty which existed between sugar and malt might be accurately ascertained and assessed. But this was not the case with breweries. There were 40,000 licensed breweries and brewers, and though the Excise had the power of entry into these breweries whenever they liked for revenue purposes, practically, however, they had no kind of supervision over them. Several deputations of parties connected with the West India interest had recently had interviews with Government, and had pressed the question on their careful consideration. The question had received careful attention, and the result that had been arrived at was, that it was impossible to permit sugar or molasses to be used in breweries. There was a difference of duty of *5s. 3d.* per cwt. between sugar and malt; therefore it was clear, so long as there was this large inducement of *5s. 3d.* per cwt. to the brewers in favour of using sugar instead of malt, that the 40,000 brewers, added to the thousands of wholesale grocers in the different towns, would avail themselves of this inducement, and that loss must consequently arise to the revenue, unless, indeed, 10,000 excisemen were employed to protect the revenue against fraud. The effect of this result upon the sugar trade was larger in theory than in fact, for on inquiry he found that but very little was used in breweries. He found that in one year not more than about 800 tons were used out of a total of 400,000 tons of sugar, and that last year the amount used was 720 tons out of a total of 470,000 tons of sugar. So that while he very much regretted the necessity there was to allow this restriction to remain, yet, from the small amount of sugar used, it would inflict no great hardship on the sugar trade, while great injustice would be done to the maltster. With regard to the two classes in the sugar trade, the refiner and importer, most affected, he would state the case in a very few words, and endeavour to set forth the claim the refiner had to indulgence. The case of the refiners was stated by an hon. Gentleman to present a clear case of a claim founded on justice on this ground. If reduction in duty on the raw material were made, and if reduction of the duty of the manufactured article were made at the same time, the manufacturer was exposed to unfair competition in consequence of the preference thereby given to the foreigner. No one could deny, as an abstract proposition, that such would be the case. That point was pressed on the attention of Government last Session. It was admitted by Government to be unequal and unfair, and that had these things been pointed out to Government at the time, provision would have been made to meet them; but as the refiners, though aware of the circumstance, did not take any steps, it was fair to assume they did not attach much importance to the matter. From the Jamaica sugar-growers Government received a deputation; they pressed their case on the attention of Government, and Government admitted the justice of their claims. It was impossible to tell what transactions would have taken place, if the Act of 1848 had taken effect in July. When the right hon. Gentleman the Chancellor of the Exchequer made his financial statement on the 8th of May, it was the intention of Government that the new duties should take effect on the following morning; and hon. Gentlemen would please to observe, that had this determination been carried out, no inconvenience would have been sustained or injustice done to any party. But the right hon. Gentleman the Chancellor of the Exchequer eventually determined to postpone the drop on the duty on foreign sugar to the 16th of July, six weeks after the 8th of May, and this had caused the difference which had since become a question for consideration. The right hon. Gentleman, it would be recollected, had also passed a Resolution adding 15 per cent to the duty on refined sugar. The Resolution now submitted to the House varied the original proposition in order to do justice to the refiner, without unnecessary inconvenience to the importer. The Resolution passed the other night was stated at the time to be passed subject to reconsideration. There were two points to consider—the time, and as to the amount of difference between the two duties. From the best information that could be obtained from persons in the trade, six weeks was at first fixed upon as the best that could be suggested. At the same time he was bound to say it was generally anticipated that the sugar duties must be dealt with in the present Session, not only as regarded refining in bond, but as regarded better discriminating duties. That was what was wished by both parties; and no one could say, even if they disagreed with the conclusion to which Government had come, that great pains had not been taken by Government to do justice to all parties; and if Government should have arrived at a conclusion that might not please one or the other party, yet both parties might say they had been fairly heard, and that due attention had been paid to what they had urged. With regard to time, it appeared, from all the inquiries that the Government had made under the circumstances of the case, that six weeks was a longer time than would be necessary for the purpose of the refiners; and the Government thought that, in order to enable them to accommodate their price to the new rate of duties, a period of four weeks would be abundant. With respect to the amount of the duty, the Government considered that it would be a fair arrangement if the duties were allowed to stand now exactly as if they had passed on the 8th of May—that was to say, that the duty on foreign sugar should be 16*s.* permanently, but that the 17*s.* 4*d.* duty should remain in operation four weeks after the 5th of July. He thought, upon the whole, therefore, if they reduced the period from six weeks to four weeks, and if they allowed the 17*s.* 4*d.* duty to stand without the addition of 15 per cent, as originally proposed, that that arrangement would form a very fair compromise between the refiners on the one hand and the importers on the other.

MR. MILNER GIBSON said, he had received many representations from his constituents in reference to this Sugar Bill, and stating that people were at a loss to understand why the difference of duty upon foreign refined sugar and foreign raw sugar should be so constantly changed. They were told in 1846 that this difference should be 3*s.* 4*d.*, and now it seemed that the permanent difference was to be turned into 5*s.*, but that for the next four weeks it was to be 6*s.* 8*d.* If 3*s.* 4*d.* was the right figure in 1846, it was clear that 5*s.* could not be right now. There were great complaints of the constant fluctuations that took place in the proposals of the Government as to what was to be the duty on foreign refined sugar and on foreign raw sugar. He confessed himself unable to comprehend the hon. Gentleman's complicated statement. He hoped that the proposition of the hon. Member for Stoke-upon-Trent (Mr. Ricardo) would be agreed to, and that the second reading of the Bill would take place now upon the understanding that the Bill should not go into Committee until after Whitsuntide.

MR. THOMSON HANKEY hoped the House would not consent to the proposal for postponing the further discussion of this Bill. The delay that had already occurred had caused great inconvenience to the trade, and further delay would only add to the grievance of the sugar importers and refiners. The Resolutions had been proposed ten days ago by the Secretary to the Treasury, and there was no new principle involved in the arrangement now proposed; so that all parties had had ample time to consider the measure, and the only object of further delay could be to obtain another modification in the terms.

MR. J. L. RICARDO said, that his request to the Chancellor of the Exchequer had been entirely misunderstood by the Secretary to the Treasury (Mr. Wilson). What he (Mr. Ricardo) had stated was, that he was prepared to move as an Amendment that the Bill be read a second time that day fortnight, unless the Government would consent to defer going into Committee until after the Whitsuntide holidays. Everything that had fallen from the Secretary to the Treasury, and particularly his statement of the successive alterations that had been made in the original plan, only proved the reasonableness of his (Mr. Ricardo's) request for delay.

MR. MILES was surprised at the proposition of the hon. Gentleman (Mr. Wilson), for, from the confident tone and the clear case he made out for his proposition, he certainly thought that the hon. Gentleman would have adhered to it. But from the portion of the hon. Gentleman's speech he had been able to hear, he thought he collected that the hon. Gentleman had abandoned his position. Where were they to stand, he begged to ask? In what position were they to consider themselves placed, if these alterations and changes were to take place so rapidly and so constantly. He had had some conversation with home sugar refiners on the question, and had been told by them that the proposals made by the Secretary of the Treasury on Friday were perfectly acceptable to them. It was with some astonishment that he understood that the hon. Gentleman had now come down with another proposal. If the Government had been wrong at first and now sought to correct their mistake, at all events time ought to be allowed to the trade to consider the altered proposal. He hoped the Government would act fairly as between the home and the foreign refiners, leaving totally out of sight the class of speculators.

THE CHANCELLOR OF THE EXCHEQUER said, that as something had been just mentioned by the hon. Member for Stoke-upon-Trent (Mr. Ricardo) as to a Motion to postpone the second reading of that Bill for a fortnight, he must remind the House that this was not properly a Bill for the adjustment of particular duties relating to trade, but a Bill of Ways and Means, and to grant to Her Majesty the necessary supplies for carrying on the war. Therefore, it had not been moved in a Committee of the House on the Customs Acts, as all Bills with respect to trade usually were, but as a measure of Ways and Means. Under the circumstances the House would see that it was a Bill that had a financial character much more than a commercial one, and a political character more than either. The subject of the sugar duties certainly arose in the course of considering this question, and all those who had had practically to deal with those duties would know that they were a matter of extreme delicacy; and therefore he would suggest to hon. Members that the points they had to state should be treated as questions for the Committee on the Bill, and submit that the reprinting of the measure was no reason why the second reading should be postponed. As to the time for going into Committee, the Government were entirely impartial on that point, and had no desire but to fix the Committee at a time that would be most convenient for the parties interested. Last week it had been represented to him by a numerous deputation that it was of the greatest consequence that this matter should be speedily settled; and under these circumstances he thought the House would act most wisely if it allowed the Bill to go into Committee on Friday next, because he believed that everybody concerned in it in the country was perfectly aware of the general bearings of the subject; and there would be ample time before Friday for the interchange of opinions and the making up of their minds as to the course which hon. Members should pursue. That was the course which he should advise; but at the same time, if it was the wish of the House that more time should be given, he had no objection, on the part of the Government, to naming the first Thursday after the Whitsun recess, instead of Friday next, for going into Committee.

SIR WILLIAM CLAY hoped the Chancellor of the Exchequer would persevere in his intention to take the Committee on Friday next, as already there had been time enough lost, and no ground had been stated for further delay. The tendency of prolonged uncertainty was to paralyse the operations of the trade.

After some discussion,

Bill read 2°.

Motion made, and Question proposed, "That this House will, upon Friday next, resolve itself into the said Committee."

Amendment proposed, to leave out the words "Friday next," and insert the words "Friday week," instead thereof.

Question, "That the words 'Friday next,' stand part of the Question," put and *agreed to.*

Main Question put, and *agreed to.*

Bill *committed* for *Friday* next.

PAROCHIAL SCHOOLMASTERS (SCOTLAND).

THE LORD ADVOCATE rose to move for leave to bring in a Bill to regulate the salaries of the parochial schoolmasters of Scotland. The learned Lord said, if he had supposed that the vote the other night on the Scotch Education Bill was conclusive, in regard to the possibility of having a national system of education in Scotland, he should then have thought it would have been the duty of the Government to have taken the next best course, and to have proceeded in detail to put the educational establishments in Scotland on the best possible footing. But notwithstanding that he was disappointed at the rejection of the Education Bill, yet he did not see any reason to be discouraged with regard to the ultimate result of his question, which was too large to be decided by one defeat. He saw much in the reception that Bill met with to encourage those who hoped to see a national system of education established in Scotland. It had seemed, therefore, better, in any provision that might be made for the parochial schoolmasters, that such provision should be of a temporary character, and the present Bill proposed to continue the conversion of 1828 down to, including, Martinmas, 1855. Whether the Government of ensuing Sessions would, in this interval, make any proposition to solve the question which the

Government of the present Session had attempted to do, he could not say, but he did not consider that the solution of the so-called religious difficulty was impossible. The people of Scotland now saw that the real difficulty in the way of the education scheme was not owing to the religious difficulty so called, but to the peculiar and exclusive privileges which the Established Church held with regard to these schools. The people of Scotland not only saw this, but even those who might differ from him with regard to the amount of religious security in these schools must see that the day was not far distant when it was impossible for them to maintain those exclusive privileges; for it was plain that, whether Parliament interfered or not, experience would solve the difficulty in spite of them. It had been said throughout the discussions on the late measure, that it was intended to serve the purpose of, and had been concocted by, the Free Church party, in order to put their schools on the national footing. He begged to say that a more unfounded or inexcusable statement it was impossible to conceive; and, with regard to this assertion, he could only say that the "wish was father to the thought," for, as he had stated once and for all, that from the time when he first began to consider the proposition that should be made to the Government, down to the day on which he introduced the measure, he had never directly or indirectly, by himself or any other person, consulted with any of the leaders of the Free Church party.

MR. CUMMING BRUCE said, he did not intend to oppose the introduction of the present Bill; but he regretted that his hon. and learned Friend had thought fit to limit its endurance to so short a time. He should have thought that the fate of the late measure would have convinced his hon. and learned Friend that the success of any similar measure was by no means a certainty, and the parochial schoolmasters would in a short period again find themselves in the same embarrassing position that they now were. He would have preferred that instead of the present, a measure had been introduced to the effect that the existing status of the schoolmaster should have lasted until Parliament should have otherwise determined. He objected to the former Bill of the learned Lord, because it was an attack on the Established Church, which was one of the fundamental institutions of the country, which he should have thought it was the duty of the Government to support. He regretted to hear that it was the intention of his hon. and learned Friend to renew, by another Bill, his attack upon the parochial school system, from which Scotland had derived so much advantage, and he could only say that such a Bill would receive his most strenuous opposition. He said this from no principle of opposition to education, for he would be ready to support the learned Lord in any measure that was really calculated to improve the system of education in Scotland, and that was not subversive of institutions which for 300 years had conferred blessings on the land. As he had already said, he would not oppose the introduction of the present Bill, but would suggest the introduction of a clause to facilitate the dismissal of improper schoolmasters, and to empower the granting of pensions to retiring schoolmasters who were unfitted for duty by age or infirmity.

MR. DUNLOP begged to bear his testimony to the accuracy of the statement of the hon. and learned Lord Advocate, when he denied that the late measure was concocted by the Free Church to relieve that body from the responsibility of their schools. He thought the character of his learned Friend might have saved him from the imputation which such a statement implied; and he thought the character of the Free Church and the sacrifices her ministers had made, might have saved them also from the charge which had been brought against them. He thought a body raising 300,000*l.* a year to maintain their schools and churches, after having sacrificed all their emoluments as an Established Church, might have been saved from the charge of concocting a scheme for the sake of a paltry amount of some 2,000*l.* or 3,000*l.* Had any intercourse taken place between the Government and the Free Church on this question he must have known of it, and he was able to say that no such communications as had been referred to had taken place. The great merit of the Bill, he thought, was its being limited to a short period, because if it should turn out that the attempt to establish a national system of education in Scotland was hopeless, the question then would be, whether, as they were to remain denominational, one denomination, comprising only one-third of the country, should be put on a better footing than any of the others? The establishment of parochial schools having been the spontaneous work of the peasantry of Scotland, a desire on their part to see that system made national was entitled to the sympathy of English Members, and they also had a claim to the justice of English Members, because he believed the origin of the present dissensions in Scotland might be mainly traced to the legislation of the English Parliament acting in opposition to the voices of the Scotch representatives. He cordially supported the introduction of this Bill.

MR. KINNAIRD thought the conduct of the Lord Advocate, in all his efforts with regard to this subject, showed that he had the deepest possible interest in the welfare of the people of Scotland. He regretted that the former Bill had not been allowed to pass a second reading, in order that those points in it to which objection was taken might have been modified in Committee; but he firmly believed that a Bill still less favourable to the views of hon. Members opposite must finally be passed.

MR. FORBES thought the House, in rejecting the Bill, had decided wisely; and submitted that the speeches of the Lord Advocate, and of hon. Members opposite, exhibited an amount of sectarian animosity which promised a renewal of angry discussion in the next Session.

MR. NEWDEGATE believed that, as an English Member, he had done his duty in opposing the recent scheme of the learned Lord for education in Scotland, because he had been informed that it was to be the forerunner of a system of national education for England. A national system of education should either be in connection with the Established Church, denominational, or a system acceptable to all denominations; and he had opposed the scheme of the learned Lord because it complied with neither of those provisions.

Leave *given.* Bill *ordered* to be brought in by the Lord Advocate, Lord John Russell, and Viscount Palmerston.

The House adjourned at One o'clock.

HOUSE OF LORDS,

Tuesday, May 30, 1854.

MINUTES.] PUBLIC BILLS.—1^a Middlesex Industrial Schools; Consolidated Fund (£8,000,000) (No. 2); Public Statues; Gaming-Houses; Legislative Council (Canada); Encumbered Estates (West Indies).

2^a Prisoners Removal.

3^a and *passed*—Manning the Navy; Navy Pay, &c.; Second Common Law Procedure, 1854.

RAILWAY AND CANAL TRAFFIC REGULATION BILL.

Order of the Day for the House to be put in Committee read.

LORD CAMPBELL said, he deemed it his duty again to enter his protest against this Bill. He had been in hopes that upon further consideration the objections to the Bill which presented themselves to his mind in the first instance would have been obviated when he came to consider it more maturely; but he was sorry to say that the opportunity for reflection had strengthened instead of weakening them. Since he last addressed their Lordships on this subject he had had an opportunity of consulting many of his learned brethren on the bench respecting it. His learned brethren and himself were willing to undertake any duties which the Legislature might impose upon them; they would set an example of obedience to the law, and of respect to the Legislature; but having consulted the Judges at a meeting they had had upon this subject, they were unanimously of opinion that the duties which they were asked to undertake under the provisions of this Bill were not judicial duties; and the great majority of them stated they were not properly competent to perform those duties. That these were not judicial duties he thought there could be no question. Ordinarily, a Judge had to interpret the law, and the law was placed before him for that purpose; but by this Bill no law was laid before the Judges which they could interpret or enforce. The code which the Judges had to interpret and enforce under this Bill was stated thus:—

> "That every railway company, canal company, and railway and canal company, shall afford all reasonable facilities for the receiving and forwarding of traffic upon and from the several railways and canals belonging to or worked by such companies respectively, and for the return of carriages, trucks, boats, and other vehicles; and no such company shall make or give any undue or unreasonable preference or advantage to or in favour of any particular person or company, or any particular description of traffic in any respect whatsoever; nor shall any such company subject any particular person or company, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever; and every railway company and canal company, and railway and canal company, having or working railways or canals which form part of a continuous line of railway or canal, or railway and canal communication, or which have the terminus, station, or wharf of the one near the terminus, station, or wharf of the other, shall afford all due and reasonable facilities for receiving and forwarding all the traffic arriving

> by one of such railways or canals by the other, without any unreasonable delay, and without any such preference or advantage, or prejudice or disadvantage, as aforesaid, and so that no obstruction may be offered to the public desirous of using such railways or canals, or railways and canals, as a continuous line of communication, and so that all reasonable accommodation may, by means of the railways and canals of the several companies, be at all times afforded to the public in that behalf."

That was not a code which the Judges could interpret; it left them altogether to exercise their discretion as to what they might deem reasonable. They were, besides, to form a just judgment on all matters of complaint relating to railway management that might come before them; and they were to lay down a code of regulations for the government of railway companies. The Judges, and himself among them, felt themselves incompetent to decide on these matters. He had spent a great part of his life in studying the laws of his country; but he confessed he was wholly unacquainted with railway management, as well as the transit of goods by boats; he knew not how to determine what was a reasonable fare, what was undue delay, or within what time trucks and boats should be returned. He believed he had correctly represented the feelings of all his learned brethren on the bench in reference to this Bill, with one exception, whom he mentioned with honour, respect, and reverence—he meant the learned Chief Justice of the Court of Common Pleas, than whom there was no Judge on the bench more zealous or more efficient; and that learned Judge, whilst he agreed in thinking that these were not judicial duties, had no doubt that his brethren on the bench would be able to work the Bill properly. He (Lord Campbell) would humbly suggest that if the discharge of the duties imposed by the Bill should devolve on the Court of Common Pleas, where there were Judges as learned and efficient as ever sat in Westminster Hall, it would give satisfaction to the country; at the same time, however, he did not propose to throw on other Judges a task which ought not to have been imposed on any of them. They should have a lay tribunal for the decision of questions of the nature contemplated by the Bill, and not one composed of the Judges. It had been proposed in the House of Commons last year, that there should be a department of the Government to which matters of this kind should be referred; and, he thought, that would have been a more desirable plan than the one now under consideration. Having said this much, he had only to observe that it was not his intention to move any Amendment to the Bill. If their Lordships should be pleased to impose on him duties for which he felt himself incompetent, he would endeavour to perform them to the best of his ability; but, he must again say, these were not judicial duties, and that they ought not to be imposed on the Judges.

THE LORD CHANCELLOR said, he could not but think, in spite of the remarks which had just fallen from his noble and learned Friend, that if their Lordships should give their favourable attention to this Bill, and if it should pass into law, there would be no practical difficulty found in its application to the evils which it was framed to remedy. His noble and learned Friend (Lord Campbell) had said their Lordships would be entering upon an anomalous course if they imposed on the Judges duties which were not judicial. To some extent that was true; but his noble and learned Friend must recollect that their Lordships had now to deal with a very anomalous state of things. He must remember that they themselves as passengers, and their horses, goods, and commodities, were not now conveyed along the Queen's highways as formerly, but upon highways belonging to individuals; and that had given rise to enactments calculated to meet this new state of things, and very different from those which formerly prevailed. The question now was whether anything could be suggested that was likely to render this mode of travelling more satisfactory to the public. His noble and learned Friend had said these were questions which ought to have been confided to what he called a lay tribunal—and, looking at the subject theoretically, he entirely concurred in that opinion. But his noble and learned Friend could not have forgotten that they had been already confided to a lay tribunal. There was a Board of that kind, presided over by a very able man, in existence until recently, and, not having given satisfaction, it was abandoned *consensu omnium.* He (the Lord Chancellor) had at first suggested that the party complaining should bring his action under the sanction of the Board of Trade; but it was objected to his proposal that it was the machinery of a lawyer, and not of a practical man. What did this Bill propose? Why, that in case there were arrangements made by two railway companies which were inconvenient—and sometimes such arrangements were intentionally inconvenient—any person might make a complaint to one of the Judges, who, if he was satisfied that, *primâ facie*, there was ground for complaint, might refer the matter to an engineer or some other competent person to determine what was best to be done. The railway companies were perfectly satisfied with that provision; and if there was a prospect of its affording to both persons concerned a practical relief in an inexpensive and effectual mode, why should it not be attempted? His noble and learned Friend had said the Judges were perfectly unacquainted with these matters; but his noble and learned Friend must not forget that these were questions which already frequently came under the consideration of the Judges and juries, and the functions imposed upon the Judges by this Bill would be much the same thing as those he now fulfilled when trying a cause before a jury. In the latter case he had to sum up the evidence and explain the law to the jury; and what would he have to do under this Act? He would hear the evidence, and having heard would have to apply the law accordingly. They had now to do through the medium of a jury what under this Bill they would have to do alone; and he (the Lord Chancellor) believed they would find no sort of difficulty. There was an apprehension, doubtless, in the minds of some of the Judges, that they would feel some difficulty in undertaking the duties sought to be imposed on them; but the learned Chief Justice of the Court of Common Pleas had stated to him that he saw, practically, no difficulty at all in the matter. With respect to the suggestion made by his noble and learned Friend, he (the Lord Chancellor) did not see any difficulty in confining the cases arising under the provisions of the Bill to the Court of Common Pleas, especially as it was not so overburdened with business as the other courts were. He thought it would be a useful amendment to the Bill to confine the business to that Court; and if, on a trial, it should not be found to work satisfactorily, it would be the duty of the Government to devise something better. On the whole, he was of opinion that this was likely to be a very useful measure.

Lord STANLEY of ALDERLEY said, he had no objection to the proposal of confining the actions to be brought under this Bill to the Court of Common Pleas. He had received a letter from Chief Justice Jervis on the subject, which he would read to their Lordships:—

> "47, Eaton Square, May 25.
>
> "My dear Lord Stanley,—I have no objection to your stating in the House of Lords and elsewhere, if you please, that in my opinion the Railway Traffic Bill may be worked by the Judges, if they will take the trouble to work it. It will certainly give them some trouble, but, as I do not see a more satisfactory way of settling questions in which the public have a deep interest, the Judges ought not, in my opinion, to decline the duty, merely because it will be difficult. I ought to add that the majority of the Judges seem to think that the proposed work is not of a judicial character, and ought not to be imposed upon them."

Such was the opinion of the Chief Justice, and he had no doubt the Bill would work well.

Lord CAMPBELL said, that it would be a mistake to suppose that the Judges wished to shirk taking upon themselves the trouble which the Bill would impose upon them. All that he intended to contend for was, that the duties were not strictly of a judicial nature, and ought to be discharged by some other tribunal.

Earl FITZWILLIAM said, he rejoiced to think that these questions were likely to be referred to one of the Judges, at least, who would undertake their consideration *con amore;* because there could be nothing more unwise on the part of the Legislature than to impose duties upon a body of men who were not likely to discharge them cheerfully and willingly. He entertained a very decided opinion, however, that questions of this kind could never be satisfactorily settled except by a department of the Government specially provided for that purpose. With respect to the observation of his noble and learned Friend on the woolsack, that a department to which such questions were wont to be referred had been abandoned *consensu omnium,* he begged to call to his noble and learned Friend's recollection that it was abandoned *consensu omnium* because at that period the railway interest was particularly strong. As railway matters were now conducted, it was clearly necessary that we should have a Board who would listen to the complaints of the public and have something like an autocratic power to remedy them. This Bill certainly afforded no remedy for the existing evils, for the railway directors would snap their fingers at, and entirely disregard it.

House in Committee.

Clauses *agreed to*, with Amendments.

LORD STANLEY OF ALDERLEY said, that he had no objection to insert a clause for the purpose of making the liability of the railway companies as common carriers more clear. The clause had been drawn by the noble and learned Lord opposite (Lord Lyndhurst).

LORD LYNDHURST said, that the clause was drawn in such a manner as to embody as nearly as possible the provisions of the 11 *Geo.* IV. (the Common Carriers Act). As the clause at present stood, it was proposed to give the owners of horses and cattle killed or injured by the negligence of the servants of a railway company, the power to recover a sum not exceeding *50l.* for a horse, *12l.* for a head of horned cattle, and *50s.* for a sheep or pig.

LORD STANLEY thought that these sums were too high, and therefore suggested that the clause should be agreed to in blank, and that the figures should be inserted after further consideration on bringing up the report.

Clause *agreed to.*

Report of Amendments to be received on *Thursday* next.

MANNING THE NAVY BILL.

Order of the Day for the Third Reading read.

THE EARL OF HARDWICKE said, that the more he considered the provisions of this Bill the more he was convinced that, if it became law in its present form, it would be productive of serious inconvenience to the Navy. He knew that in the present state of the House and of public feeling it was in vain to attempt to prevent its passing; but he nevertheless felt convinced that the functions of prize agents could not be properly performed by the machinery which was to be established by this Bill. A circumstance, indeed, had just occurred which strongly corroborated the views he entertained on this point. A prize having been taken in the Baltic by the *James Watt* had been brought into the river for condemnation. The prize agent then found that certain charges to the amount of about *15l.* had been incurred for the wages and provisions of the prize crew, and on applying to the Admiralty to know whence he was to procure funds to satisfy the demand, he was informed through Admiral Berkeley that the charges and expenses incidental to the prize would be paid out of the proceeds when it was condemned. But the fact was, that as the ship was not yet brought up for condemnation, no one could presume to say whether she would be condemned or not. Now, under the old system the prize agent appointed by the ship's crew took upon himself the whole charge of the prize, defrayed all the incidental expenses, and took the risk of being repaid if the vessel was condemned. He had on a former occasion stated his objections to giving this Bill a retrospective action, and he hoped that his noble Friend (the Duke of Newcastle) would now assent to the introduction of an Amendment to guard against this. Another point on which he wished to insert an Amendment was the following. The noble Duke had stated that little or no injury would accrue to the Navy agents from this measure, because other Acts give them a great interest in the distribution of the value of prizes taken, to the amount of $2\frac{1}{2}$ per cent upon the proceeds. Now, in this statement there was a confusion between the Navy agents and the prize agents—the former, who were the parties referred to in the former Acts of Parliaments, being the agents of the individual officers, and not of the crews. He wished, therefore, to secure to these persons what was given them by former Acts, and which the noble Duke said that he did not seek to deprive them of; and he would therefore move the insertion in Clause 26 of words declaring that this Bill was not intended to deprive a ship's crew or officers of the right of appointing agents, under a power of attorney, who should be authorised to receive the prize money from the Paymaster General, and to distribute it. He should also propose to insert another Amendment with the view of preventing the Act from having any retrospective operation.

THE DUKE OF NEWCASTLE said, that it was not the fact that any loss would accrue to the captains and crews of the vessels which took prizes in consequence of the cessation of the practice of allowing Navy agents to transact the whole business connected with a prize previous to its condemnation. It was true that, in a case to which the noble Earl referred, the prize agent had been informed by the Admiralty that the captain's agent would be liable for the expenses attendant upon bringing the prize over for condemnation. But the fact was that the captain of the vessel taking the prize was at the present moment liable for any loss that might accrue if she were not condemned. The vessel was brought over for condemnation at his risk, and he was the ultimate loser if it was not condemned, although, no doubt, the prize agent paid the expenses in the first instance. He could not accede to either of the Amendments which his noble Friend had suggested. He objected to that which related to the proposed retrospective operation of the Bill, because there was no ground for saying that the measure would have any such operation. On the contrary, its whole scope and bearing were entirely prospective; and it was the intention of the Admiralty that the prize agents should settle all matters now before them under the existing law. The other Amendment was equally unnecessary, because the existing law, which this Bill did not affect, secured to the Navy agents the commission of 2½ per cent on the prize money distributed through their agency. He doubted whether such a provision as that which had been proposed by his noble and learned Friend could be correctly introduced in that House of Parlament. He was not quite clear upon the subject; but he rather doubted whether the House of Commons, according to the very stringent construction they put upon their rules, would not consider that provision of his noble Friend would be a violation of them. He saw no necessity for dwelling upon the subject, and thought the Amendment totally unnecessary, and only calculated to raise doubts where they had never previously existed.

Lord BROUGHAM said, he did not think the reasons assigned by the noble Duke were sufficient to persuade their Lordships not to accept the Amendments. The noble Duke had said he was quite confident no doubt could be raised on the question involved in the first and most material of the Amendments, namely, whether or not this Act would have a retrospective effect; but if his noble Friend had been as long acquainted with prize courts and courts of law as he had been, he would find it much better to add a few words to the length of a Statute than to leave it to the astuteness of counsel or even to the decision of learned Judges, whether Judges at common law or in the prize courts, to determine whether a provision was retrospective or not. The same observation applied to the other Amendment; and in both cases it would be better, by the insertion of a few words, to guard against the possibility of doubt. He (Lord Brougham) would take leave to bear his testimony to the great merits and invaluable services of the prize agents, and would remind their Lordships of the panegyrics that had been pronounced upon them by the highest judicial authorities in such matters and by the highest personal authorities, including amongst them his late and illustrious Friend Lord St. Vincent. The inestimable services rendered to the Navy by those parties were such that Lord St. Vincent had said that were it not for their help he knew a number of cases in which gallant officers would not have been able to join their ships and engage in the service of their country. From his own experience in the courts of prize, he could state that, in one case, upwards of 50,000*l.* had been obtained by captors through the exertions of the prize agents, not one farthing of which would have been obtained if the provisions of this new plan were then in existence, and if the Crown-appointed officers had had the management of the proceedings. In that case, the law officers of the Crown had given a decision against the parties; it was a question of prize and head money under the Slave Trade Act in the Eastern Seas, and the opinion of the law officers of the Crown was clear that the captors had no right whatever, and if their case had been left to Crown-appointed officers it must needs have followed that their case would not have been prosecuted, and not one farthing of that large sum which was decreed to them by the court below, in spite of the opinion of the law officers of the Crown—the court of appeal confirming the judgment—would have been held to belong to those very meritorious parties. There was another case of 70,000*l.* head money and bounty money; that was a case of capture, and the King's Advocate gave an opinion against the captors, and if it were left to a Crown-appointed officer, as a matter of course he would have followed the opinion of the King's Advocate, and of that 70,000*l.* not a farthing would have reached the meritorious parties, the captors, who, by the exertions of the prize agent, obliged the payment of that sum. He need not remind their Lordships of the other arguments that could be used, with regard to the services of these agents, the large capital they employed, the great skill and experience they brought to bear on the interests of the parties employing them; and he could not help feeling considerable apprehension as to what may be the result of the change.

Bill read 3^a.

THE EARL OF HARDWICKE moved, as an Amendment, that the Bill should not apply to any captures, &c., made by any of the officers and crews of Her Majesty's ships or vessels prior to the 1st of June, 1854.

On Question, their Lordships *divided*:—Content 34; Not Content 47: Majority 13.

Bill *passed*, and sent to the Commons.

SECOND COMMON LAW PROCEDURE, 1854, BILL.

Order of the Day for the Third Reading read.

Moved, That the Bill be now read 3^a.

LORD CAMPBELL said, he felt it to be his duty to make a few observations on this Bill, in order that it might not be supposed that he concurred in the hostile criticisms of his noble and learned Friend opposite (Lord St. Leonards). The Bill was, as his noble and learned Friend had observed, the most important measure with respect to the administration of justice that had been laid before Parliament for a considerable time. It introduced more important changes than had been introduced into the law of England since the time of Edward I., and he was happy to be able to say that he entirely approved of it. Some of the experiments it made were undoubtedly hazardous, but he thought they were all laudable, and he hoped the result would be satisfactory. His noble and learned Friend (Lord St. Leonards), in a speech which was distinguished by his usual ability, had disparaged the whole of the Bill; but though he felt a great respect for the opinion of his noble and learned Friend, he must say that he approved of the measure. His noble and learned Friend in the first place expressed very great hesitation respecting the enactment that Judges shall hereafter have power to try issues of fact. Now, if that were to apply to all issues of fact, he would most heartily share in his apprehensions. Where there was conflicting evidence, and in many cases where character was concerned, and where substantially a trial took place respecting the commission of criminal offences, though in the form of a civil action, a jury presided over by a Judge was the best tribunal that ever was established. But there were many cases where the facts were not at all in dispute—which turned on a question of law—and which he thought might be better determined by a judge without calling on a jury to help him, and which a jury was very little capable of performing. The power proposed to be given to the court of deciding with respect to the cases that might be tried by a Judge alone was indispensable, for otherwise a Judge might be called upon to try a case involving a question of murder, or the most atrocious offence. Suppose there had been an action for a libel imputing to the plaintiff that he committed murder, would it be proper that a single Judge should try that case? Nor would it be enough to say that a Judge should try all actions of contract, for there might be an action of contract—for example, an action on life insurance or fire insurance, where the defence might be that the plaintiff had insured the life, and caused the death by foul means, or had set fire to his own house—it would not be proper for a Judge to try such a case without the assistance of a jury. Then, with regard to what his noble and learned Friend had said with respect to the clauses which his noble and learned Friend called the arbitration clauses—he (Lord Campbell) must say he entirely approved of them, because he did not consider them to be arbitration clauses, but clauses referring to a single functionary, matters that could not be properly decided by a Judge or jury—such as matters of account. It was enacted by this Bill, that as soon as an action was brought, if respecting matters of account, either party by application to the court might, in the first instance, refer the case to a single individual, who could sit *de die in diem* until the whole was wound up and determined. And see the scandal that would avoid! At present a Judge, sitting to administer justice with the assistance of a jury, had a case brought before him which he and the jury were totally incompetent to try, and which must be referred to arbitration. It was now so referred after enormous expense had been incurred in retaining counsel, summoning witnesses, and paying the jury, all which expenses were thrown away; whereas by the new system which he (Lord Campbell) hoped his noble and learned Friend would approve of, all that scandal would be obviated, because, as soon as the writ was issued, there would be an order made by the court referring the whole matter to a single individual to decide it. The next point was with respect to the unanimity of juries. Generally speaking, he approved of the principle of the unanimity of juries, and wished that principle should be infringed as little as possible; but see what was the practice. For the purpose of obtaining that unanimity they at present resorted to the barbarous expedient of locking up the jury without refreshment or fire, and there they were all to remain until they were of one mind. And, according to the common law, if they did not agree when the Judges were going from one county to another, the jury were to be put in a cart and brought to the boundary of the country and that discharged them. He was delighted that a change was proposed; but the change that was proposed in the first instance, he could, from his own experience, say would have operated very disastrously, because it was this—that after the jury had been shut up for twelve hours, having coals, candles, and all manner of comforts, and after sitting for that time in a comfortable room, if at the end of that time they did not agree, they were, as a matter of right, to be discharged. If that provision had stood, he would take upon himself to say that it would have led to an infinite number of abortive trials. One of the parties might have a friend on the jury, or there might be a wrongheaded man upon the jury—and he would know the consequences must be that by sitting for twelve hours in a comfortable room, in the first case the juror could protect his friend, and in the other the juror could prevent the reception of the verdict at which the eleven other jurors had arrived. Or it might be that two or three persons would disagree with the others, and prevent the nine or ten other jurors from prevailing; and it would constantly happen that there would be abortive trials, all the expense would be lost that had been incurred, and there would be great delay and vexation. He considered the compulsory system was better than that, and as proof of it he could say that since he had had the honour of being a Judge he had not once been called upon to discharge a jury, though he had been obliged to lock them up several times. When the Bill came before the Committee he had the honour to propose that if at the end of the twelve hours there were nine of the jurors agreed in a verdict, the verdict of the nine should be taken as the verdict of the twelve, but always liable to any objection that might be raised by the parties to that verdict. It was thought by his noble and learned Friend on the woolsack that instead of nine to three the numbers should be ten to two, and that suggestion was adopted; and such having been the opinion of the Committee, he trusted their Lordships would adhere to it. He was fully convinced that if their Lordships should adopt that resolution no inconvenience would follow, and that it would work most admirably. The next point had regard to the oaths. He was the last person who would propose to abolish oaths altogether. He was sure, with the general feeling prevailing in this country, there would be an opinion that justice could not be satisfactorily administered unless upon sworn testimony; but at the same time there were persons whose religious opinions were opposed to the taking of oaths, and who held themselvest bound in all cases by the Divine command, "Swear not at all." It was now proposed, in order to meet those cases, that if it appeared to the Judge that the witness had a sincere objection to take an oath, he might be examined upon affirmation, as was at present done in regard to Separatists and Quakers; and he (Lord Campbell) considered that that would be a great improvement. He should, however, have been better pleased if there were a general enactment, and he was sure it would have a most salutary effect. Under the law as it now stood, a Judge was bound to commit a man to prison who refused to take an oath, although that man was doing nothing but acting in accordance with the dictates of his conscience. That was not only cruel towards the witness, but also towards the parties who were deprived of his testimony, and any of their Lordships and their posterity might be put in peril of their honour and their fortunes in consequence of the testimony of a witness, whose testimony was essential, being cut off from them because he had a religious objection to take an oath. There was only one other point on which he thought it necessary to trouble their Lordships, and that was what was called the fusion of law and equity. For centuries there had been a broad line of demarcation between courts of law and equity, the consequence of which had been that parties were often obliged to go into a court of equity, and then to a court of law, and back again to a court of equity, before a single case could be finally decided. The principle of the clause in this Bill was, that one court should hear and finally adjudge one case, without the necessity of resorting to another court. Of that principle he most highly approved, and he had no doubt that it would work beneficially. His noble and learned Friend had pointed out that in Scotland there was only one court, and that all cases were finally adjudged in it; and he argued that it arose from that circumstance that there were a great number of appeals from Scotland. There were various reasons why there should be many more appeals allowed from the courts of Scotland than from the courts in England, and amongst others, that they were appeals from one set of Judges reared in one system of jurisprudence to another set of Judges reared in another system of jurisprudence, who entertained very different notions, and who might very likely be disposed to reverse what shocked their prejudices, and therefore the number of appeals from the Scotch courts was no argument against one court. No one honoured more than he did the decrees pronounced by his noble and learned Friend (Lord St. Leonards), but he would tell him that if there had been appeals from his decrees when he sat in the Court of Chancery to the Court of Session in Scotland, some of his decisions would have been reversed. He was sure, with the assistance of his noble and learned Friend, and other eminent lawyers, the common law Judges would be able in a satisfactory manner to discharge the functions now intrusted to them, and which were very different from the railway functions which it was attenmpted to impose upon them, for in the present case they would be acting judicially, and they would have authorities to refer to and direct them. He would put a case that would illustrate the present working of the law. Suppose an infringement of a patent, or of a copyright; the party would have to go to the Court of Chancery for an injunction; the Judge in Chancery would say that he must go to a court of common law to establish his right; but when he had done so, he must come back again to the court of equity, and commence again; and all this led to enormous expense. An instance had occurred about three years ago which strongly illustrated the case. There was a nuisance at Clapham, caused by the perpetual ringing of bells, and an application was made to the Court of Chancery to grant an injunction. The Court of Chancery said, "We have at present no power to grant your application. You must go to a court of law, and establish your right." An action was consequently brought and tried upon the Home Circuit. The trial lasted several days, and there was a verdict for the plaintiff, establishing the nuisance. But no sooner was judgment pronounced than the bells began again, sounding another peal—not exactly the same, but very similar—and the court of common law having then no power to interfere, it was necessary to file a bill in the Court of Chancery for an injunction. Then there was a hearing of seven days before one of the Vice Chancellors; after that hearing, the injunction was granted. Would it not have been most reasonable that the court of common law in which the action was tried for the nuisance should have had the power to grant that injunction against the repetition of the nuisance? and to enable that Court to grant an injunction in such cases was one of the objects of the Bill, and he repeated his belief that it would act most beneficially. Within the limits that were allowed, there were a great many matters of equity that could be most satisfactorily disposed of in courts of law. Take a case. Suppose an action was brought against a surety, and the defence was that the suretyship was constituted by an instrument not under seal; as the law now stands, the court of law could take cognisance of the whole matter; but if the surety were constituted by what was called a deed signed, sealed, and delivered, then the court of law had no jurisdiction, and it would be necessary to go into a court of equity. Such distinctions as these should not be allowed. He thought a Bill which proposed to remedy such anomalies was a most valuable measure; and if none other of importance should be passed in the present Session, he considered it would not be a Session barren of good results.

LORD ST. LEONARDS said, that, notwithstanding the statements of his noble and learned Friend, he still retained the opinion he had before expressed with regard to the proposed fusion, as it was called, of law and equity, though he had never doubted that there were cases in which the principles of equity might be applied by the courts of common law. He would, without further observation, proceed to submit to their Lordships the Amendments he had to move to the Bill. The first Amendment was in Clause 17, from which he proposed they should omit the words "ten or," the effect of which would be, that if eleven of the jurors, instead of ten or eleven, as proposed by the clause, should agree in opinion at the end of twelve hours, they should be able to deliver that decision as the verdict of the jury. He could not bring himself to consider that it would be wise to break in upon an ancient institution to the extent now proposed. The recommendation of the Select Committee which sat on this Bill was relied upon by the noble and learned Lord on the woolsack in favour of this change; but no stress had been laid upon the recommendations of the Commissioners who reported in favour of retaining the principle of unanimity among the jury, and who were opposed even to his (Lord St. Leonards') proposition for requiring the agreement of eleven. The next objection that he had to this Bill related to the provision enabling a Judge in his discretion to allow a person stating that he had a scruple against taking an oath to make a declaration in lieu of swearing. Now, the present law certainly permitted Quakers, Moravians, and Separatists, to affirm instead of taking an oath in a court of justice; but then, in each of these cases, there was this security, that the witness allowed to affirm was a man who, in the face of the world, and to the particular knowledge of everybody around him, had joined a particular sect, and they knew that he was influenced, or affected to be influenced, by religious motives in objecting to an oath. But there was a wide distinction between the cases where declarations were allowed instead of oaths under the existing law and the proposition contained in this Bill, because this Bill would enable any man, upon his own mere unsupported assertion that he had a religious scruple, to evade the taking of an oath; thus doing away with the means which the law had hitherto afforded for ascertaining that, although the witness refused to take an oath, he did so because he belonged to a religious sect whose tenets were opposed to the taking of oaths, and was therefore a man who was nevertheless bound by religious obligations. As to the provision with regard to the discretion of the Judge, how was the Judge to get at a man's secret motives, and to tell that in his refusal to take an oath he was influenced by conscientious scruples? It was clear, therefore, that this ostensible safeguard was no real safeguard at all, and was perfectly illusory. But look at the inconsistency and absurdity in which this Bill would involve them. The exemption from the necessity for making an oath was confined to common law procedure, so that in the courts of equity, if this Bill passed, every litigant would still be bound to swear, whereas in the common law courts he need only affirm. Thus, on one side of Westminster Hall a man must take an oath as the law now stood; and, on the other side, he would be relieved from taking an oath, under the provisions of this Bill. Again, a witness might, under this Bill, make a declaration before the Judge of a superior court; but if he went before a magistrate, he must take an oath. It was clear that if a change of this kind was to be made at all, it ought to be made general in its character, and not partial and exceptional.

The LORD CHANCELLOR said, that having had occasion to trouble their Lordships repeatedly before on the subject of this Bill, he would only now say a very few words in answer to what had fallen from the noble and learned Lord who had just spoken. It appeared to him that there was one great fallacy running through all the reasonings that he heard upon the subject of oaths, and that was that it was always assumed that the giving of evidence was the privilege of the witness, and not—which it really was—the right of the suitor. If a suitor could only bring forward a single individual who could give the requisite testimony, and that individual had religious scruples against taking an oath, why was the suitor to suffer because his witness was over-scrupulous and over-conscientious? He had never heard an answer to that argument. It was quite obvious that the party primarily to be considered was not the witness, but the man who wanted the testimony of that witness. Well, the noble and learned Lord asked, what security had they that a man who said that he had conscientious scruples against taking an oath, entertained those scruples in sincerity? He (the Lord Chancellor) asked in return, what security had we now that a man was a Separatist or a Quaker—nay, what security had we that a man who had once been a Separatist or a Quaker, but was not one now, was sincere in his continued scruple to take an oath?—because the last Act of Parliament on this subject expressly stated that any person being a Quaker, Moravian, or Separatist, or who had once been a Quaker, Moravian, or Separatist, but who still retained his conscientious scruple against taking an oath, should be allowed to make a declaration in lieu of an oath. And observe, they were speaking of a class of persons in whose countenance there was generally the evidence whether they were speaking the truth or not, and it was only because men who came forward in this way were really scrupulous, that they did not save themselves from trouble by taking the oath. At all events, there could be no question that it was for the interest of the community that the testimony of such persons should be given, and given in the manner binding on their consciences, namely, upon affirmation. Let their testimony, therefore, be so given, *valeat quantum.* He admitted that testimony upon oath was generally the most satisfactory, but if they could not get that, let them get the next best testimony that they could. It had been decided by Lord Hardwicke that a Hindoo witness should be sworn by breaking a piece of china and throwing it over his shoulder, because that was the form most binding upon his conscience; and that was manifestly the sound principle to proceed upon. He (the Lord Chancellor) would not deny that it would be more consistent with the principle if they extended it to every court in the kingdom; but he recollected that it was only by slow degrees that great changes had hitherto been made. The first relaxation of the oath was made for the Quakers alone, and was limited to civil proceedings only; and when that was done his noble and learned Friend might, if he had lived in those days, just as well have then urged his argument based on the inconsistency of the proceedings, and asked, "What! do you want to have Quaker testimony, and do you only require it in civil cases, and not in criminal proceedings?" A great lawgiver of antiquity said that they must not look for the best laws, but for the best laws possible under any given state of circumstances; and he (the Lord Chancellor) said, that after the experiment now proposed—if experiment it was—had been tried, as it could be most safely and usefully tried in this instance, and had been found to work successfully, as he believed it would do, then there would be no difficulty in introducing a larger and more general measure; and he trusted, indeed, that the present measure might lead to that beneficial result.

THE EARL OF WICKLOW said, that the late Lord Chief Justice (Lord Denman), Session after Session brought in a general Bill, and not a political Bill of this nature, to relieve witnesses from the necessity of taking an oath, and the sense of their Lordships' House was on every occasion expressed against such a proposition. He therefore thought any attempt like the present, to introduce such a principle by the stealthy medium of a clause in a measure with which it had no sort of connection, should be firmly resisted by their Lordships. The noble and learned Lord (Lord St. Leonards) had shown the utter absurdity of adopting such a principle as this for the common law courts and excluding it from the courts of equity and every criminal court in the kingdom. Again, he understood it had been announced that the Attorney General intended to introduce in the other House a general Bill on this subject of oaths; and if that were so, such a Bill would cover the whole question, and render a partial measure like the present wholly unnecessary.

LORD BROUGHAM could not admit that the clause with regard to oaths that had been introduced into this Common Law Procedure Bill was a clause that had no natural connection with the general scope of the measure. On the contrary, he thought there was a most natural connection between the two. Neither could he allow the validity of the argument that the want of completeness in the principle as it now stood was any reason against its adoption as a part of this Common Law Procedure Bill. He (Lord Brougham) acted on the same principle as he had hitherto followed, in giving his hearty support to the whole of the great and most valuable improvements proposed by this Bill—improvements as great and as valuable he believed as any that had been introduced, he would not say within their Lordships' recollection, but almost since the period in which our Statutes had been in existence; and he gave that support not less readily, although in some most important particulars the Bill did not go by any means so far as he could wish. He (Lord Brougham) had himself had the honour of bringing forward two or three separate Bills on important branches of this subject—the law of evidence, the law of procedure, the unanimity of juries, and other matters that were dealt with in this Procedure Bill. Was he, then, to object to this Bill, and give it his negative, because it did not go so far as the provisions of the Bills went to which he had obtained the sanction of their Lordships—in a great measure at least, although not in all their stages. The Arbitration Bill which he brought in last year, and which he had brought in again this year, contained a vast number of most important provisions; and although he did not succeed in prevailing upon the Select Committee to agree to them, there could be no doubt that the most important of his provisions were incorporated in the present Bill. He was certainly of opinion—and it was perhaps a natural impression for him to entertain—that the provisions rendering arbitrations and references more effectual than they were now by law with respect to partnerships, charter-parties, and other points, were more effectually set forth in the Bills which he had introduced both in the last Session and in this; but still they were substantially acted upon in the Bill now under consideration, and therefore he felt deeply gratified, and he still lived in hopes that the other provisions of his Bills would be carried out on some future occasion. For these reasons, highly approving of this Bill, as far as it went in all these respects, he cordially rejoiced that it was about to receive the sanction of their Lordships. Upon the question of the oaths, he had only one word to add, namely, that numerous instances had come before him of cruel injustice being worked to the parties who were deprived of the benefit of the testimony of those persons whose consciences they might perhaps think were over-scrupulous—but they had no right to say that they were over-scrupulous—that was assuming that these persons were wrong, and that we were right, which we were not justified in doing, for that assumption was the ground of all intolerance, and even of all persecution—we had no right, therefore, to say that they were over-scrupulous—they might be right in their scruples, although we thought that we were right; but that parties should be deprived of the benefit of testimony by means of the Legislature was a cruel injustice; and that persons should be liable to be imprisoned, and imprisoned too even for an indefinite time, because they, from conscientious scruples, refused to bear testimony in the manner required by the court, was, in his opinion, one of the most monstrous cases of injustice and cruelty combined of which any Legislature was ever guilty.

On Question, *Resolved* in the *Affirmative*; Bill read 3ª accordingly.

LORD ST. LEONARDS moved the omission of Clause 21, which dispensed with the necessity of taking the oaths.

On Question, their Lordships *divided*:—

Lord Brougham

Content 31; Not-Content 41: Majority 10.

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DUKE.

Buccleuch

MARQUESSES.

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EARLS.

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Desart
Donoughmore
Harrowby
Haddington
Hardwicke
Lonsdale
Mayo
Mornington
Pomfret
Romney
Stradbroke
Wicklow
Vane

VISCOUNTS.

Canterbury
Hawarden
Strangford

BARONS.

Cloncurry
Colville of Culross
Colchester
Redesdale
Southampton
St. Leonards

Amendments made; Bill *passed*, and sent to the Commons.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Tuesday, May 30, 1854.

The House met, and forty Members not being present at Four o'clock, Mr. SPEAKER adjourned the House till *Thursday.*

HOUSE OF LORDS,

Wednesday, May 31, 1854.

Their Lordships met, and, having transacted the Business on the Paper,

House adjourned till To-morrow.

HOUSE OF LORDS,

Thursday, June 1, 1854.

MINUTES.] PUBLIC BILLS.—1ª Criminal Law Amendment (No. 3); Criminal Law Amendment (No. 4); Criminal Law Amendment (No. 5); Criminal Law Amendment (No. 6); Criminal Law Amendment (No. 7); Criminal Law Amendment (No. 8); Criminal Law Amendment (No. 9).

2ª Consolidated Fund (£8,000,000).

Reported—Prisoners Removal.

3ª Bills of Exchange.

THE WAR WITH RUSSIA—DISEMBARKATION OF THE TROOPS.

THE EARL OF ELLENBOROUGH: I rise to put a question to the noble Duke opposite (the Duke of Newcastle) of which I have given him notice. I only put the question *pro formâ*, as I cannot doubt what the answer will be. The question is, whether a correspondence which has appeared in the *Morning Chronicle* of to-day, between Marshal de St. Arnaud and General Brown—

THE EARL OF WICKLOW: I rise to order. It is the time for proceeding with the Orders of the Day (a quarter past five), and if your Lordships wish to adhere to your regulations, you will conform to the desire of those noble Lords who wish the Orders of the Day to be proceeded with. It is contrary to the orders of the House and its regulations that questions such as the noble Earl is putting should be put after the time for the Orders of the Day, and especially when the Orders have been called for.

THE EARL OF ELLENBOROUGH: My Lords, I am always disposed to maintain your Lordships' Orders, and now an objection has been raised whether I have the right to put this question now. I shall therefore give notice of it to-morrow; but I must say that if it is to be understood that no question of public importance arising in the course of the morning shall be put after the clock has passed the quarter, it is necessary for your Lordships to rescind that order. The correspondence to which I was referring bears evident marks of authenticity; and I call the attention of your Lordships to it because it has an important bearing on a subject which has been frequently introduced to this House since the commencement of the war—namely, the question whether the transports employed in the conveyance of troops to the East have with them a sufficient quantity of boats for the convenient embarkation and disembarkation of those troops. The letter to which I wish to call your Lordships' attention purports to be addressed by General Brown to Marshal de St. Arnaud, through Lord Raglan, and it is in these terms:—

"Scutari, May 7, 1854.

"My Lord—In communicating to you the safe arrival in this port of the 93rd Regiment and of the second brigade of the Rifles, I should fail altogether in my duty if I did not inform your Lordship of the prompt and efficient assistance which I received for the embarkation of these troops from Admiral Bruat, General Canrobert, and all the French authorities residing at Gallipoli. Not having on the spot any English vessel of war, and finding myself without any other means of establishing a communication with the steamers or transports but the very defective aid of the boats of the locality furnished by the Commissariat, it would have been impossible for me to effect that embarkation without a considerable loss of time, had it not been for the aid of our allies. In such circumstances, I did not hesitate to apply to the French admiral and general, whose readiness to lend assistance to the troops of Her Majesty had been already appreciated by me on previous occasions. General Canrobert at once placed at my orders all the flat-bottomed boats which he could dispose of, and Admiral Bruat was kind enough to employ all the boats of his squadron both in towing the others and in carrying troops, until all the men were placed on board. The result of this prompt and friendly co-operation was, that the two regiments, which had already marched eight miles from their lines at Gallipoli, of which the embarkation did not, in consequence, commence until one in the afternoon, were all on board, with upwards of one hundred horses, by sunset, so that it was possible to weigh anchor before nightfall. I am deeply impressed with the feeling that, owing so much personally to these distinguished officers for the kind co-operation which they afforded me on this occasion, as indeed on many others, I should be most ungrateful were I not to seize on the very first occasion to express the obligations under which they have placed me from the first moment that I have been acting in concert with them.—I have the honour to be, my Lord, your very obedient humble servant,

"G. BROWN, Lieutenant General."

Now, with the aid of the flat-bottomed boats belonging to the French, it appears to have taken six hours—that is, from one o'clock in the afternoon until sunset—to place these 2,000 men and 100 horses on board. It seems from this statement—which I assume to be an accurate copy of the letter of General Brown—that the apprehension I have entertained from the beginning, with respect to many of those transport steamers, is correct—namely, that the Government, or those employed in the fitting out of those steamers and transports, did not have regard to the necessity of having an unusual number of boats, of an unusual size, to each of those steamers and transports, for the purpose of enabling them rapidly to embark and to disembark troops. It is unnecessary for me to press upon your Lordships the extreme importance of attaching to every vessel employed in the conveyance of troops, as many boats, of a fit description, for their complete embarkation and disembarkation, as is consistent with other branches of the public service. Everything may depend, in the success of operations, on the rapidity with which a large number of troops can be thrown on shore. The wind may rise, or the sea may rise, and it may be impossible for the ships, after a short period, to communicate with the shore. A small body of men may thus be thrown, without resources, upon the land, and exposed to the attacks of the enemy, whom they might not be in sufficient strength to resist, when, if there had been a sufficient number of boats for the purpose of landing a large body with stores and provisions, no danger could have been incurred. And, more than that, the want of sufficient means of embarkation may compel an officer to select a disadvantageous instead of an advantageous spot for such disembarkation. It is impossible to exaggerate the importance of this matter; and I do trust, if it has not hitherto, it will attract the immediate notice of Her Majesty's Government; or, if these vessels, as I apprehend, have been despatched without a sufficiency of suitable boats for the purpose of the disembarkation of troops, that that defect will be at once remedied, and that a sufficiency of boats will be at once sent out. I made a suggestion some eight years ago, which your Lordships will perhaps allow me to repeat, that it would be expedient to have on board every one of the larger vessels a large boat, with a small amount of steam power, sufficient to tow other boats and to turn the ship's head round. If all the troops are to be conveyed on shore in boats rowed by seamen, the number conveyed on shore at one time must be very small, and the process of disembarkation will proceed less rapidly than it would otherwise do; but if a small steamboat were attached to every ship for the purpose of towing the boats to and from the shore, the thing could be accomplished with the greatest despatch.

THE DUKE OF NEWCASTLE: In the first place I am enabled to inform my noble Friend that the letters, in reference to which he has put this question to me, are perfectly authentic. I am enabled to say that, because I have been furnished with copies of them by Lord Raglan. Whatever distrust my noble Friend may feel with reference to the preparations made in this respect, I can only repeat now what I stated on a former occasion when a similar question was asked, that Her Majesty's troops serving in the East have been provided most amply with the means of transport, so far as the sea is concerned. I think I can prove that the instance which he produces of boats having been borrowed from the French, at Gallipoli, is by no means conclusive as to the neglect of which he complains. Your Lordships are aware that, in order to enable this country to despatch two of the largest fleets that have ever sailed in the Black Sea and the Baltic, it was at the same time considered desirable that the large body of troops destined for Turkey should not be conveyed thither in vessels of war, but in such vessels as could be procured from the commercial service of this country, and the whole of that force has been conveyed in ships hired for that purpose; and my noble Friend is well aware that the admirable invention of flat-bottomed boats which was made some years ago did not exist as regards these particular vessels. Now it is perfectly true that every one of those vessels has been provided with an adequate number of boats for ensuring the safety of the men on board, in the event of accident; but they are not provided with the flat-bottomed boats which are essential for the embarkation and disembarkation of troops for military purposes. The French, who had sent the greater portion of their troops, not by vessels hired for the purpose, but by ships of war, had there five sail of the line, which of course were supplied with those boats, and they very courteously lent them to facilitate the landing of the English troops. But why does my noble Friend assume, having given him on a former occasion to understand that the transports were of this description, that because on an unimportant occasion of the disembarkation of troops at Gallipoli they had not those boats at immediate command, they have not been provided for those great emergencies which may be expected to arise? I can only repeat that ample provision has been made for the purpose of embarking and disembarking troops at any particular point. There would be an inconvenience in stating to your Lordships publicly in this House the number of boats which have been provided, or the number of troops which can be thrown on any portion of the shore at any one moment; but I say these things have been most carefully considered; and I received a letter only the other day through the Admiralty, dated 20th of May, from Admiral Boxer, a gentleman appointed by the Admiralty to the command of the transports in the East, with an adequate number of officers under him—than whom I believe there was no officer more competent for such a service—and who states that all the necessary preparations have been made, and that he was able to embark or disembark troops at any point that might be required with perfect safety and with the greatest celerity.

THE EARL OF ELLENBOROUGH said, it appeared to be the case that the Government did not make any arrangement with the persons to whom these transports and steamers belonged, in order that the vessels should have, on this particular occasion, when they were to convey troops, a larger number of boats—and boats, too, of a larger kind, than they were accustomed to carry. In point of fact, if the troops had depended on the boats belonging to the transports, they could not have disembarked without the greatest inconvenience and delay.

The Duke of NEWCASTLE observed, that any arrangement such as the noble Earl adverted to could not possibly have been made. When such vessels as the *Himalaya* and *Orinoco* were taken up at a fortnight or three weeks' notice, did the noble Earl suppose that the Government were in a position to call on the parties to whom the vessels belonged to supply flat-bottomed boats for the embarkation and disembarkation of the troops? No company could have made such a preparation without three months' instead of three weeks' notice. What the Government did was to take care that, when the transports arrived in the Bosphorus, sufficient means should there be provided for disembarkation.

RAILWAY AND CANAL TRAFFIC REGULATION BILL.

Order of the Day for receiving the Report of the Amendments read.

Discussion arising on some details of the Bill, on the Motion of the Earl of Derby,

Order of the Day *discharged.*

Then it was *moved,* That the Bill be recommitted to a Committee of the whole House *instanter;* On Question, *agreed to.*

House in Committee (on Recommitment) accordingly.

Amendments made.

Clause 7.

The Earl of DERBY thought that as the clause now stood, the public would be placed in a worse position than under the present law, by which a railway company, through whose negligence a horse or other animal might be killed, was liable for its full value. He admitted that it was unreasonable to require railways to carry horses worth 300*l.* or 400*l.*, or 3,000*l.* or 4,000*l.*, at the ordinary rates, and make them liable for the full value of the animals. He considered, however, that the maximum fixed by the clause of 30*l.*, beyond which special insurance must be paid, was too low. He had suggested to the noble Lord (Lord Stanley of Alderley) that 50*l.* should be made the maximum, but he believed that 70*l.* or 80*l.* would be a fairer amount.

Lord STANLEY of ALDERLEY was willing to insert 50*l.* instead of 30*l.* He also proposed to leave out the last provision of the clause, relating to packages, parcels, &c., in respect to which the railway companies would be governed by the Carriers' Act.

The Earl of HARROWBY thought there should be a limit to the liability of railways in respect to injuries sustained by passengers. Some average amount should be fixed, beyond which the companies ought not to be called on.

The Earl of DERBY thought that, however easy it might be to ascertain the average value of horses or cattle, it was not so easy to fix the average value of human life. The subject mentioned by the noble Earl was of importance, but the present was not a fit opportunity for its discussion.

The blanks fixing the maximum value of horses were filled with 50*l.*; for cattle, 15*l.*; and for sheep, 2*l.* The last provision of the clause, relating to parcels, was struck out, and the clause as altered was agreed to.

Other clauses agreed to; Amendments made: the Report thereof to be received *To-morrow.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, June 1, 1854.

Minutes.] Public Bills.—1° Church Building Acts Amendment (No. 2); Excise Duties (Sugar).
2° Public Revenue and Consolidated Fund Charges.
3° Income Tax (No. 2); Church Building Acts Amendment; Industrial and Provident Societies.

BUSINESS OF THE HOUSE.

Sir JOHN PAKINGTON, in rising to submit the Resolutions of which he had given notice, said, that the subject which had been referred to the consideration of the Committee, appointed at the commencement of the Session, upon the Business of the House, was so important that he trusted that he should not be thought to be unnecessarily or improperly occupying their time if he ventured to enter into some explanation of the proceedings of the Committee, and of the circumstances under which it had been appointed. It would be in the recollection of the House that at the close of the Session of 1847–48, a Session not unlike that of 1852–53, in consequence of the very great pressure of public business and the feeling which was then prevalent, that the forms of the House admitted of some alteration, a Committee had been moved for by the hon. Member for Malton (Mr. E. Denison), and the important subject of the forms of Parliament had been taken into consideration by that Committee. Their Report was a very brief one, owing to the late period of the Session at which they had been appointed. They recommended certain changes in the practice of the House; but they, however, distinctly stated that they trusted more to the discretion and forbearance of Members of the House in the conduct of business than to the effect of any specific changes which it was in their power to recommend. In one respect, he thought that the confidence expressed by that Committee in the forbearance of Members had been justified. One great complaint of the Session of 1847–48 was the very great length to which the debates had extended, and the great frequency of adjourned debates. Since that period adjourned debates had become of much less frequent occurrence, and much less time was now consumed in debating than had been the case in 1847 and previous Sessions. It was, however, a great mistake to suppose that the delays which had been the subject of complaint had arisen altogether, or even mainly, from the length of the debates; because there could be no doubt, he thought, that they had proceeded more from the actual increase of business and the increased pressure, both upon the House generally and upon individual Members, than from the time which had been occupied in discussion. Perhaps, in proof of that statement, the House would allow him to institute a comparison between the state of business in the Session of 1852-53 and the Session of 1847-48, which led to the appointment of the former Committee on the subject. In the Session of 1847-48 there had been forty-four public Committees; last Session there had been fifty-one. Each of those Sessions was the first of a new Parliament. In 1847-48 there had been twenty-eight Election Committees; last Session there had been forty-nine. In 1847-48 there had been thirty-one Private Bill Committees in groups; last Session there had been forty-three of those group Committees. In 1847-48 there had been 112 Committees upon other private Bills; last Session there had been 119. Altogether there had been in the Session 1847-48 215 Committees against 262 in the last Session. In 1847-48 there had been 255 divisions, and last Session there had been 257. The actual days and hours of sitting, however, had been less last year than in 1847-48, being 100 days, or 1,193 hours, as against 170 days, or 1,407 hours. But, perhaps, the most important fact, as affording an evidence of the increase of their business, was the number of entries in the *Votes* of the House, and he found that last year there had been 11,378 entries in the *Votes* compared with 10,412 entries in the Session of 1847-48. Last year the Session, which had commenced on the 4th of November, 1852, did not terminate until the 20th of August, 1853; and he might remind the House that, upon the 6th of August, a noble Lord in another place made use of the expression, that there were forty-two Bills then before their Lordships, and that there were thirty-one coming up from the House of Commons, making seventy-three Bills to be considered in a fortnight. Notwithstanding the number of Bills which had been passed last year and the immense amount of business transacted, he thought the House would bear him out when he said that the transaction of business in the month of August had not been creditable, neither would it prove beneficial to the public. Bills had been brought down from the other House, or sent up to it, in such a hurried manner, that it had been impossible to give them that attention which they deserved. As one illustration of this, he might mention the important measure on the subject of secondary punishments, providing a substitute for transportation, which certainly had not received the attention that its importance required, and which, he ventured to say, would have been a much better Act of Parliament than it now was if it had been properly discussed and considered. It was a consideration of these circumstances which had induced him at the commencement of the present Session to express an opinion, that it would be well for the forms of the House again to be considered by a Committee; and he had ultimately, at the suggestion of the noble Lord opposite (Lord J. Russell), moved the appointment of a Committee upon the subject. In the selection of the Members of that Committee, his sole endeavour had been to obtain the assistance of those Gentlemen who, in his judgment, possessed the largest experience and the highest standing in the House, and who were, therefore, the most competent to advise the House upon such a subject. He was bound to say, however, that from the first day of meeting it became evident to him that the majority of the Committee were of opinion that the reforms and changes in the forms of the House ought not to be carried to that extent which had seemed to him, when he moved for the Committee, and which still appeared to him to be, extremely desirable. He was desirous, therefore, to have it understood that he was not responsible for the Report which had been presented to the House. It was not the Report which he had submitted to the Committee; and, in his humble judgment, the reforms in their proceedings ought to have been carried, and might safely and prudently have been carried, to an extent very much beyond that which was indicated by the Resolutions which he was about to submit to the House for their approval. It was his opinion that the recommendations of the Committee ought to have been carried further than they had been; at the same time, he was desirous of stating that the differences which existed between himself as Chairman, and the Gentlemen who composed the Committee, were only differences as to degree, and not as to principle. He thought that the first consideration which ought to have influenced such a Committee was, as to how far they could best have adapted the forms of the House, so as to enable them to transact the immense pressure of business within reasonable limits as to time, and also in a manner the most complete and satisfactory to the country. He had considered, as Chairman of the Committee, how far the forms of the House were open to improvement and amendment, keeping in view the objects he had mentioned, and had submitted to the Committee an outline of the changes which he thought might be effected. It was the pleasure of the Committee, with a view of considering these proposals, that witnesses should be summoned, and accordingly three witnesses were summoned of high authority and the most competent to give evidence on this subject. The first witness was the hon. Member for Kilmarnock (Mr. Bouverie), the Chairman of Committees, and who had for a long period been conversant with the proceedings of the House; the second witness was not a Member of that House, but was a gentleman well known to it—Mr. Erskine May, whose work on Parliamentary forms and usages was looked upon as a standard authority upon the subject; and, lastly, the Committee called before them the Speaker of this House. He did not think that it would have been possible for the Committee to have selected three witnesses more competent than these to give evidence and sound advice to the Committee and the House, and he did not think that he was undervaluing the authority of the opinions of the Gentlemen who formed that Committee, when he said that that of the Speaker was entitled to far more weight, resulting from his great experience, gathered from his having long occupied his present position, and from his having devoted much attention to this subject. At the close of the evidence he (Sir J. Pakington) drew up a Report, and a series of thirty-six Resolutions, embodying the views of these witnesses, but he was sorry to say that the majority of these Resolutions were rejected by the Committee, and he should not have presumed to set up his opinion against that of these Gentlemen, but that he believed that in every one of his Resolutions he was supported by the unanimous opinion of the three witnesses mentioned. He would not trouble the House by going through the whole of these Resolutions, as most of them referred to matters of detail, but would briefly advert to the most important of them—namely, those which referred to the proceedings of Committees on Bills—to the mode of the appointment and numbers of Select Committees—to the proceedings as regarded the question of adjournments, and to the practice, which of late years had grown up to a great extent, of occupying the time of the House by moving Amendments on the Motion of going into Committee of Supply. With regard to the first of these, as to the proceedings of Committees on Bills, two important proposals were made to the Committee—in the first of which he (Sir J. Pakington) had adopted the recommendation expressed by the Speaker in 1848, and since strongly repeated, that upon going into Committee on a Bill it should not be necessary to put the question that the Speaker leave the Chair for that purpose, excepting in the case of Bills going into Committee for the first time; the other proposal which he had adopted, and which was originally suggested by Mr. May, was the proposition that the Committee of the whole House should sit to consider Bills in succession without the necessity of the Speaker resuming the Chair before each Committee. The Resolution which he should now propose with respect to this was a modification of the plan he had mentioned, and he trusted the House would approve it. With regard to the Select Committees, he had submitted to the Committee that these Committees should be reduced in numbers—namely, from fifteen to eleven Members; that the quorum of such Committee should, as heretofore, consist of five Members; and that the Select Committee should be nominated by a Committee of Selection. Upon these recommendations the Speaker had expressed an opinion that they would be great improvements; and another reason for the adoption of a Committee of Selection was, that so invidious were the debates on the appointment of a Select Committee that the House often agreed to names rather than incur the odium of the disagreeable duty of taking objections to those names. He would at the same time remind the House that last year the noble Lord (Lord J. Russell) had appealed to hon. Members not to press for the appointment of any additional Committees on account of the difficulty of getting Members to act. The tendency of late years had been to reduce the numbers of Committees. This had been the case with regard to Election Committees, and also Committees on private Bills, and he believed every Member would agree with him as to the advantages to be derived from reducing the numbers of Select Committees, which would have the effect of throwing an increased responsibility on the Members composing the Committees, and give to the recommendations even more weight than at present. With regard to the question of adjournment, he had ventured to recommend to the Committee the plan proposed in 1848 by the Speaker, that when a question was under discussion the Motion for adjournment ought not to be debated, but put at once, and, if negatived, should not be repeated within an hour. The other recommendation which he should submit in a Resolution, which would, he believed, meet with considerable opposition, was, that the House should, as a matter of course, on its rising on Friday, stand adjourned until Monday, and when the House was desirous of sitting on Saturday that might be made the subject of a special Motion. He would now briefly advert to the most important of the recommendations which he had submitted to the Committee with a view of saving the public time—he alluded to the practice of moving Amendments on going into Committee of Supply. He was aware that this, from long Parliamentary practice, had been considered the legitimate moment for bringing forward the grievances of the people, and the plan which he had proposed respected this right. He thought that the present practice deprived them of one of their most important functions, by preventing them from devoting the attention which they ought to the finances of the country and the granting of the supplies to the Crown; and the evidence of Mr. May before the Committee strongly illustrated this abuse and bad practice. That Gentleman said—

> "The effect of the present practice I wish to state to the Committee. During the last Session, on twenty-two nights there were Motions and Amendments proposed on going into Committees of Supply and Ways and Means. On all those twenty-two nights Motions were actually made by Members. The whole course of business, as appointed by the House, was consequently disarranged; and from two to twelve notices of Motion were set down on nearly every supply night during the Session. The Estimates are not duly considered in consequence of these continual delays, though the consideration of them is one of the most important functions of the House of Commons. The Session is prolonged by this practice more than by any other cause, and many Bills are sent up late to the House of Lords, or abandoned altogether."

The right hon. Gentleman in the Chair stated that he thought the practice of making Motions on going into Committee of Supply had been carried to a very inconvenient extent. The hon. Member for Kilmarnock (Mr. Bouverie), after expressing a similar opinion, added that the practice had the effect of interfering with the due consideration of the Votes in Supply, and he suggested that these Amendments should be got rid of altogether. The result of the present practice was, that, though Committees of Supply stood on the paper for particular days, no one could tell when they would come on for discussion. These occasions had, in fact, become the refuge of the destitute, and were often laid hold of by Members who would have no other opportunity of bringing forward questions, some of which, as had been stated by the hon. Member for Kilmarnock, might be important, but for the sake of many of which Members could not be induced either to make or to keep a House. He regretted that the Committee did not approve the plan which he had submitted for their consideration. The only two recommendations which they had adopted were—first, that which referred to the consideration of public Bills in Committee in succession, without the necessity of the Speaker resuming the Chair on each Bill; and the next was that which related to the adjournment of the House from Friday till Monday. He hoped, however, that the Resolutions he now intended to move would be adopted by the House, and that they would be found in no small degree an improvement in the mode of conducting the public business. He would now beg to move the following Resolution, being the first of the series of which he had given notice:—

"That it be an Instruction to all Committees of the whole House to which Bills may be committed that they have power to make such amendments therein as they shall think fit, provided they be relevant to the subject-matter of the Bill; but that if any such amendments shall not be within the title of the Bill, they do amend the title accordingly, and do report the same specially to the House."

LORD SEYMOUR said, he would not take up the time of the House by going into the many questions which the right hon. Gentleman had raised, but would confine himself strictly to the Resolution before the House. He was most anxious to do anything that would expedite the business of the House, provided it was consistent with their public duty and the regularity of their proceedings; but, with regard to this first Resolution, he must say that he thought it of great advantage that the title of a Bill should agree with the subject-matter of that Bill. If the Resolution were agreed to, a Bill might go into Committee and come out a totally new measure. Who was to be the judge as to whether the matter was or was not relevant to the Bill? If it was the Chairman of the Committee, the duty would be a most difficult and invidious one; and if it was to be the mover of the Amendment, they would have him talking half an hour or more to show its relevancy, thus causing a greater loss of time than by the present method. References had been made to the House of Lords, as to their practice of altering the title of a Bill after amendments had been made, but he did not think the proceedings of the House of Lords in such cases were at all applicable to the House of Commons, or such as they should follow. He thought they should abide by the old plan of moving an instruction to the Committee. Unless, therefore, he saw reason to change his opinion, he would be inclined to move a negative to the first Resolution now proposed.

MR. EWART said, he thought there was a great deal of justice in the observations just made by his noble Friend. By this change a Bill might go into Committee in one shape and come out in another. He regretted that the Committee did not go further in their recommendations of reform, and especially that they did not propose a reform in the mode of appointing Select Committees. He was satisfied that, till they got these Committees appointed through the agency of the Committee of Selection, and their numbers reduced, they would never work satisfactorily.

MR. T. GREENE said, he hoped that the House would confine its attention to the question before it, and not enter upon any question that would be certain to open up a large field of discussion.

SIR WILLIAM HEATHCOTE said, objection had been taken to the proposal of Amendments not in harmony with the title of a Bill; but this was only to be done in Committee, and ample opportunity would be given in the subsequent stages of considering the effect of all such alterations. It often happened that, in Committee, some Amendment was suggested that would be useful, though it might be at variance with the title of the Bill, and then it was too late to move an instruction. As to the question of who was to judge of the relevancy of an Amendment, he presumed that that was a duty which would devolve on the Chairman.

MR. HUME said, he did not think it a matter of much importance whether the Resolution was passed or not; but he was rather opposed to the change, as he did not see any absolute necessity for it.

MR. HENLEY said, he thought the time gained to the House by this change would be very trifling, and for such an object it was not prudent to part with one of the securities that the House now possessed for knowing the real nature of what was going on relative to a Bill.

MR. BOUVERIE said, the observation that the alteration was not very important would apply equally to the greater part of the Resolutions. This was one of a series of recommendations made by the Speaker to the Committee of 1848, and he considered that it was but reasonable that clauses should be consistent with the title of the Bill in which they were introduced. He did not think the objection taken to this Resolution by his noble Friend (Lord Seymour) a very sound one; and, as he thought the proposition of the right hon. Baronet (Sir J. Pakington) an improvement on the present practice, he would give it his support.

MR. VERNON SMITH said, he did not see how this change would expedite the business of the House. There was very little inconvenience felt from the present practice, as it was not a common thing to have an Instruction moved to a Committee. He considered that the right hon. Baronet only did his duty in bringing forward this Resolution as Chairman of the Committee, although he could not agree with the spirit of it. It appeared to him, also, that there was another measure which had been entirely disregarded by the Committee in their Report, and that was a Bill on the subject which had been proposed by Lord Derby in 1848.

MR. W. WILLIAMS said, he considered that the real question to be considered was, what was the best mode of economising the time of the House, and he was very much disappointed in the tone and the extent of the Resolutions which had been proposed by the right hon. Baronet. If there were one question more important than another, it was that of the Estimates, which were often put off till midnight, and most of them this year had not been voted until after one o'clock in the morning. These Estimates amounted to about 26,000,000*l.* or 27,000,000*l.*, and of these, owing to the hurry and the late hour at which they were discussed and brought forward, nearly 17,000,000*l.* had been already voted, it might almost be said, without any discussion at all. The best course would be to send the Report back again to the Committee, and let it be reconsidered.

SIR GEORGE GREY said, he would refer the House to the Report of 1848, in which it was recommended that hon. Members should confine themselves as much as possible to the immediate question before the House. The question before the House at this time was, whether the form of business should be altered? There was a difference as to the mode of proceeding now and in 1848, and the rule of progress had been adopted, which precluded any Instruction being moved, except on the first day of going into Committee. Consequently, unless an Instruction were moved on that single occasion, there was no other opportunity of introducing new matter, and Members were driven to the inconvenient course of putting off Amendments to the Report or the third reading. Those considerations had weighed with the Committee, and he should certainly support their recommendation.

SIR JOHN PAKINGTON said, although he did not consider the matter of any very great importance, he nevertheless felt it his duty to press it, having been recommended by such high authority to do so. He considered a Committee the proper arena for detailed discussion as to the progress of a Bill, and that the fewer Amendments which were introduced on the third reading the better.

MR. BRIGHT said, he was quite indifferent as to whether the Resolution was carried or not, inasmuch as he thought it of very little consequence one way or the other. He merely rose to say that he hoped the noble Lord the Member for Totness (Lord Seymour) would not insist on the time of the House being taken up in dividing on such a question.

LORD JOHN RUSSELL said, he also must appeal to the noble Lord not to divide the House against this Resolution. He did not know that any great practical advantage would be derived from it, but there appeared to be some force in the argument that Amendments had better be discussed in Committee than on bringing up the Report or on the third reading.

LORD SEYMOUR said, he had no desire to offer any needless opposition, and, in deference to the recommendation of his noble Friend, would consent not to divide the House upon the question.

Resolved—

"That it be an Instruction to all Committees of the whole House to which Bills may be committed, that they have power to make such Amendments therein as they shall think fit, provided they be relevant to the subject-matter of the Bill; but that if any such Amendments shall not be within the title of the Bill, they do amend the title accordingly, and do report the same specially to the House.

Resolved—

"That the Questions for reading a Bill a first and second time in a Committee of the whole House be discontinued.

Resolved—

"That in going through a Bill no Questions shall be put for the filling up words already printed in italics, and commonly called blanks, unless exception be taken thereto; and if no alterations have been made in the words so printed in italics, the Bill shall be reported without Amendments unless other Amendments have been made thereto."

SIR JOHN PAKINGTON said, he would now bring forward the fourth Resolution.

Motion made and Question proposed—

> "That on a Clause being offered on the Consideration of Report or Third Reading of a Bill, Mr. Speaker do desire the Member to bring up the same, whereupon it shall be read a first time without Question put."

MR. BOUVERIE said, he wished to move, that after the word "offered" should be inserted the words "in a Committee or," and that after the word "Speaker" should be inserted "or Chairman."

MR. HENLEY said, he took exception to the whole Resolution, on the ground that it was found convenient, upon a new clause being brought up, to ask for explanations; and, upon the question of second reading, to discuss the clause, whereas this Resolution would in future prevent Members speaking upon the clause more than once.

LORD JOHN RUSSELL said, he thought they should not encourage the practice of adding clauses to a Bill on the third reading, and he would suggest, therefore, that the Resolution should be made to apply only to new clauses in Committee.

SIR GEORGE GREY said, that in bringing up a new clause on the third reading of a Bill, five questions were put, and until the first two questions, that the clause be brought up and read a first time, were put, no one could know what it was they were about to discuss. It was only proposed to get rid of any debate on those first two questions, and there would still remain the three questions that the clause be read a second time, that the clause be read a third time, and that the clause be added to the Bill, upon all of which discussion might take place.

MR. WALPOLE would suggest that no clause should be allowed to be proposed on a third reading without a day's notice.

SIR WILLIAM HEATHCOTE said, he was of opinion that the practice of bringing up a clause on the third reading was highly objectionable, because, if any important alteration were made at that stage, they never had the Bill printed in its altered form, and there certainly ought to be one period in the passing of a Bill when the Members would have the whole Bill before them with leisure to consider it.

MR. AGLIONBY said, the right way was to have a Standing Order, that no clause should be brought up on a third reading unless notice had been previously given and the clause printed.

Amendment proposed, after the word "offered," to insert the words "in the Committee on the Bill or."

Question, "That those words be there inserted," put, and *agreed to.*

Another Amendment proposed, after the word "Speaker," to insert the words "or the Chairman."

Question, "That those words be there inserted," put, and *agreed to.*

MR. BOUVERIE said, the practice was invariably to read a clause a first time, before discussing it, and this Resolution would only make the rules of the House conform to the practice. With regard to the objection to bringing up clauses on the third reading, he would move the addition to this Resolution of the words—"and that no clause shall be offered on the consideration of Report or on third reading without notice."

Amendment proposed, at the end of the Question, to add the words "but no Clause shall be offered on Consideration of Report or Third Reading, without notice."

Question, "That those words be there added," put, and *agreed to.*

Main Question, as amended, put, and *agreed to.*

Resolved—

> "That on a Clause being offered in Committee on the Bill, or on the Consideration of Report or Third Reading of a Bill, Mr. Speaker or the Chairman do desire the Member to bring up the same, whereupon it shall be read a first time without Question put, but no Clause shall be offered on Consideration of Report or Third Reading without notice."

Motion made, and Question proposed—

> "That Lords' Amendments to Public Bills shall be appointed to be considered on a future day, unless the House in any case shall order them to be considered forthwith."

Amendment proposed, to leave out the words "in any case."

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived.*

Main Question, as amended, put, and *agreed to.*

Resolved—

> "That Lords' Amendments to Public Bills shall be appointed to be considered on a future day, unless the House shall order them to be considered forthwith."

Motion made, and Question proposed—

> "That every Report from a Committee of the

whole House be brought up without any Question being put."

Mr. MILNER GIBSON said, he presumed these words were intended to include Committees of Supply and Committees of Ways and Means, and that on the Report of those Committees being brought up, no Member would hereafter be entitled to address the House. He was one—though he believed it was heretodox to express such an opinion—who considered it legitimate to discuss the general policy of the Government upon bringing up the Reports, as well as upon going into Committee of Supply or Committee of Ways and Means. He did not think that these matters ought to be discussed entirely with reference to a saving of time. No doubt, if his (Mr. Gibson's) steward brought him his accounts, it would save time if he were not to investigate those accounts, and were to refrain from expressing any opinion upon his manner of conducting his business; but he threw it out for the consideration of the House whether it was fitting that they, as guardians of the public purse, and, therefore, having the control over the public policy, should part with an occasion like this for discussing the conduct of the Government of the country. He thought it was not right that they should do so, and would move the introduction of words exempting Committees of Supply and Committees of Ways and Means from the operation of the Resolution.

Amendment proposed, after the word "House," to insert the words "except from Committees of Supply, and Ways and Means."

Question proposed, "That those words be there inserted."

Sir JOHN PAKINGTON said, the right hon. Gentleman had attached a degree of importance to the alteration proposed by the Committee to which it was not entitled. It was rather for the personal convenience of the hon. Gentleman opposite, the Chairman of Ways and Means, that he should not be kept waiting at the bar while a discussion was going on upon a question of general policy, but should be permitted at once to bring up his Report, ample opportunity being afforded for discussion, such as the right hon. Gentleman desired, upon the question which would immediately follow, "That the Report be read a first time."

Mr. BOUVERIE said, his right hon. Friend (Mr. M. Gibson) would have full opportunity to examine the accounts and criticise the conduct of his steward, notwithstanding this Resolution; and it was not necessary that the third person—the servant of the steward, who brought the books — should be kept waiting for an hour, or an hour and a half, before he was permitted to lay them on the table.

Mr. MILNER GIBSON said, he still must contend that they would be parting with an opportunity for discussion, if they allowed the Resolution to pass, but he would not press the matter to a division.

Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Resolved—

"That every Report from a Committee of the whole House be brought up without any Question being put."

Motion made, and Question proposed—

"That Bills which may be fixed for Consideration in Committee on the same day, whether in progress or otherwise, may be referred together to a Committee of the whole House, which may consider on the same day all the Bills so referred to it, without the Chairman leaving the Chair on each separate Bill; provided that, with respect to any Bill not in progress, if any Member shall raise an objection to its Consideration, such Bill shall be postponed."

Mr. HUME said, he had some doubt that the effect of this Resolution would be to mix up the discussion of different subjects together in a very confused manner.

Mr. MILNER GIBSON said, he wished to know what was to be the course of proceeding with regard to the Committee on Bills which stood in different parts of the paper? Were the Committees which stood low in the paper to be brought up, and precedence given to them over second readings, which stood between them and the first Committee?

Sir JOHN PAKINGTON said, the intention of the Resolution was to give the House power at any time to select a certain number of Bills, and refer them to be considered together in Committee on the day following—at a morning sitting most probably—so as to relieve the Speaker from the necessity of taking the Chair between each Bill to receive the Report as was now the custom. The case put by the right hon. Member for Manchester (Mr. M. Gibson) did not apply to the Resolution; for, of course, then the Bills would have to be taken in the order in which they stood on the paper. It would always be in the power of any hon. Member to object to a Bill being taken into consideration in this way, and then it would go into Committee by itself just as at present.

MR. VERNON SMITH said, he was of opinion that the course proposed would limit their powers of observation of the progress the business was making, and that the transit from one Bill to another would be less distinctly marked than it was under the present system.

MR. BOUVERIE said, he also thought that the proposed alteration would tend to produce confusion. As he understood the proposal, all these Bills were to be referred in a lump to a twelve o'clock sitting. Now, he wished to call the attention of the House to what it did last year, and what he hoped it would not do this year, with regard to twelve o'clock sittings. From a return which he had obtained from the officers of the House, he found that, last Session, on fifteen days that the House sat at twelve o'clock it also sat after midnight. The average length of each of these sittings was fourteen hours twenty minutes; two hours and forty minutes being the average number of hours beyond midnight, giving not less than thirty-nine hours fifteen minutes of sittings beyond midnight for the whole fifteen days. Now, this might be all very well for the Government, who could go through the business by relays, but it was too much for the Speaker and himself as Chairman of Committees. Still worse was it for the officers of the House—particularly the clerks in the Journal Office and the Public Business Office. The clerks in the Journal Office were obliged to stay for at least an hour after the House rose, and they were expected to be at work again by ten or half-past ten in the morning. There certainly was a limit to human powers, and he hoped the House would have a little mercy on its officers.

MR. WILSON PATTEN said, he should support the Resolution. He did not believe it would lead to confusion, and it certainly would relieve the Speaker, rather than increase his labours. With regard to his hon. Friend who had just spoken, he thought the good feeling of the House would always induce it to interpose for his relief, when the labour was becoming too severe.

MR. HENLEY said, he wished to know what was to be done when a division in Committee took place, and it was found that there were not forty Members present, or when any other cause arose of the Chairman having to leave the Chair, and summon the Speaker? He confessed he could not see his way clear as to the working of these Resolutions.

LORD JOHN RUSSELL said, he thought the Resolution would tend greatly to facilitate business and to save labour to the Speaker. With regard to Bills "in progress," the practice now was for the Speaker to leave the Chair as a matter of course, and when the House resumed, if the next Bill were "in progress" he left the Chair again in the same manner, and so on through all the Bills that were in this stage. If this Resolution were adopted, all this loss of time would be saved; and, with regard to those Bills which were not "in progress," it was only meant to apply to those about which there was no objection, for if any Member opposed their being referred to this general Committee, his objection would be fatal, and the Bill, of course, would then be referred to a separate Committee.

MR. VANCE said, that if the Resolution were agreed to considerable inconvenience might arise. For instance, a Bill of some importance in Ireland—the Dublin Carriage Bill—slipped through a second reading at a time when many Irish Members interested in the matter, believing that the Oxford University Bill, which preceded it, would have occupied more time in Committee than it did, upon the night in question were absent. The hon. Member for Dublin (Mr. Grogan) had now a notice upon the paper to move that the Bill be committed this day six months; but if the Resolution of the right hon. Member for Droitwich (Sir J. Pakington) were agreed to, he would be unable to move it.

MR. GOULBURN said, that in such a case as that alluded to by the hon. Member for Dublin the Bill would not be referred to a general Committee.

Resolution *agreed to.*

SIR JOHN PAKINGTON said, he would now move the next Resolution, which related to the adjournment of the House from Friday to Monday. As the hon. Member for Manchester (Mr. Bright) had expressed an intention of opposing this Resolution, it might, perhaps, be desirable that some statement should be made of the views of the Committee upon it. ["No, no!"] If the House objected to hear any explanation, of course he would not proceed with any further remarks.

Motion made, and Question proposed—

"That the House at its rising, on Fridays, do stand adjourned until the following Monday, unless the House shall have otherwise ordered."

MR. BRIGHT said, he thought it would

not be doubted that this was the most important of the Resolutions which had been submitted by the right hon. Member for Droitwich. Though a Member of the Committee from which these Resolutions had been reported, he had been unable to attend its deliberations in consequence of being upon another Committee requiring his attendance almost every day, or he should have objected to this Resolution, as he intended to do now. He was not sanguine enough to suppose that, if he had attended the Committee regularly, he could have prevented the adoption of the Resolution, but he thought he could have brought forward some strong reasons to induce the Committee to hesitate before they adopted it. Every hon. Member would desire that the business of Parliament should be proceeded with as rapidly as was consistent with the proper transaction of public business, but, at the same time, he thought they ought to be cautious how they gave up any of those occasions upon which they could "pull up" the Government a little now and then. Of course, sitting upon the same side of the House as Government, he could not be supposed to be hostile to them; but, upon whatever side of the House he sat, he should hold the same opinions. Indeed, were the impossible circumstance ever to occur of his becoming a Member of a Government, he should continue to hold the opinion he entertained at present, that it was highly desirable for the executive officers of the State sitting in that House to be aware that there were occasions when observations could be made criticising their conduct, stimulating them to that which was good, and holding them back, if possible, from that which was evil; and at the same time it should be remembered that while this operation was being performed upon the Government of the day information was often communicated to the public. If it were necessary, instances could be referred to of occasions when discussions on this particular Motion of adjournment on a Friday of considerable importance and interest had taken place. The House had already, upon going into Committee, given up several opportunities of discussion, and a strong case should be made out before they proceeded any further in that direction. Almost every Session for the last few years Government took up a larger number of days for the transaction of Government business, and hon. Members found that, from some cause or other, the business of the House was gradually becoming more Government business than that of independent Members. If he was not mistaken, the noble Lord the Member for London had this year requested, with more pertinacity than before, that the number of Government days should be still further increased, and yet, though so much time had been given up to Government, the noble Lord must acknowledge that, in reality, less of Government business had been transacted this year than in previous Sessions. He had a great dislike to change for the sake of change, and in this particular case he appealed to hon. Gentlemen opposite to take a true Conservative view of the question, and let well be well, unless strong reasons could be given for an alteration. It could not be asserted that the privilege possessed by independent Members had been abused, for he found that last Session only five instances had occurred of a discussion having taken place on a Motion for adjournment on a Friday which this Resolution was intended to prevent. Upon one of these occasions the attention of the House had been occupied for about an hour on a question put by himself—a question of considerable interest at the time—relating to the Government of India, to which the noble Lord (Lord John Russell) had given him a not very pleasant answer. The right hon. Baronet the First Lord of the Admiralty—who was smiling at this statement—knew that the subject was one with respect to which the Government was in considerable difficulty, and which was discussed at meeting after meeting of the Cabinet, in reference to the propriety of proposing immediate legislation or of postponing it. It was, therefore, he thought, not unreasonable that he should put the question which he had put to the noble Lord, and should take up the time of the House for fifteen or twenty minutes in stating his reason for putting it. Upon another occasion, some years ago, he remembered the noble Lord the Member for Tiverton (Viscount Palmerston) when in opposition, bringing forward a discussion relative to the foreign policy of the country upon a similar Motion. Indeed, the noble Lord the Member for London, in this very Session, upon an occasion which he thought would become historical, when the noble Lord was under the necessity of withdrawing an important Bill relating to the representation of the people, availed himself of a similar Motion for bringing the question forward. [Lord John Russell was understood to deny the accuracy of the assertion of the hon. Gentleman.] At any rate the statement was made upon a Motion for adjournment, and was just as irrelevant as any other statement which might have been made. The instances he had now adverted to would, he thought, show the convenience of the House possessing, at least once a week, an opportunity in which a Member of the Government, or any independent Member, could originate a discussion upon any important question. He did not believe, if the change proposed by the right hon. Member for Droitwich (Sir J. Pakington) were effected, the public business would be expedited. According to the present custom, there were two modes by which incidental discussions could be brought forward—one on a Friday, and the other on a Motion moved by any hon. Member for the adjournment of the House. The one proceeding was regular so far as the Motion for adjournment from Friday to Monday was concerned, but the other was altogether irregular, it not being intended that the House should adjourn, but the Motion being merely made to afford an opportunity for discussion, and being then withdrawn by leave of the House. A case occurred recently where he had had occasion to find fault with certain statements made by a Cabinet Minister at a public dinner. He had intended to bring the matter forward on the regular Motion for adjournment on Friday, but had postponed it till Monday, in consequence of a request being made to him to that effect, the Minister in question being unable to be present on the Friday. He accordingly moved the adjournment of the House on the Monday following, but he thought it would have been preferable to have brought on the discussion on the Friday rather than move that the House adjourn, when he did not intend that it should adjourn, and when he knew the question of adjournment would in reality not be taken into consideration at all. If the Resolution were agreed to, hon. Gentlemen would be constantly rising to move adjournments, and the transaction of public business would be much more retarded than if the privilege at present possessed were continued. Upon the grounds he had stated he objected to the Resolution, and he should divide the House upon it.

Mr. FRENCH said, he opposed the Resolution as an attempt to deprive independent Members of an opportunity of questioning the policy of Government. A system of encroachment upon the privileges of independent Members had now been going on slowly, but steadily, during the last twenty years. All the opportunities which hon. Members had of originating discussions had been taken from them, and it was now proposed to deprive them of their last and sole resource. If the Resolution were carried, the danger would be that independent Members would be continually moving the adjournment of the House.

Lord DUDLEY STUART said, he objected to the Resolution, because he thought it interfered with the opportunities which independent Members possessed of discharging their duties to their constituents, and as Members of that House. It really appeared as though Ministers, and those who had contracted Ministerial habits by having filled high offices, were desirous of preventing independent Members from being heard at all, or of taking any part in the proceedings of the House. If such a Resolution as this was to be carried, he thought the right hon. Gentleman who proposed it was bound to show that the existing practice had been abused, and that it was productive of inconvenience. He (Lord D. Stuart) was in a position to show that it had not been abused, or that it had been productive of any inconvenience. During last Session only three discussions occurred on this particular Motion being made. The first, and most striking instance, was that of the hon. Member for Manchester (Mr. Bright), when he drew the attention of the House to the India Bill. The debate on that occasion did not interfere with the business of the House, for the Jew Bill was afterwards discussed, and a division took place, and the House adjourned at a quarter past twelve. On the second occasion the hon. Member for the West Riding (Mr. Cobden) constituted himself for the time the Secretary for the Treasury, and moved that the House adjourn until Monday, and made a speech on the affairs of India, which was answered by the noble Lord (Lord John Russell). That debate did not last more than an hour. The third instance was that in which the hon. Member for East Somersetshire (Mr. Miles) called the attention of the House to the Six-Mile Bridge affair, and the noble Lord gave his sanction to the proceeding of the hon. Member. In the course of the present Session the right had not been abused. During the Derby Administration there were only two occasions on which debates took place on the usual Motion for adjournment, on one of which the debate occupied a very short time, and on the other the noble Lord the Secretary for the Home Department made a long speech. For himself he could say that, if this Motion were carried, he should avail himself of any opportunity which the forms of the House allowed him to bring before the House any matters of urgent importance to which he might consider it his duty to advert.

MR. HUME said, he must entreat the House to consider what they were now asked to vote. Independent Members now possessed few opportunities of bringing forward Motions. He had seen a great curtailment of their privileges, and he doubted whether it would be for the advantage either of the Ministry or of the public to increase these restrictions. The power of speaking upon the Motion for the adjournment of the House from Friday to Monday had not been abused, and the matter had better be left to the discretion of hon. Members.

MR. DISRAELI said, he could not vote against this Resolution without explaining that, as a Member of the Committee, he had disapproved the proposition. The Resolution was passed when he was not present, or he should have divided the Committee upon it. He had always considered this as a popular privilege, and he thought that upon the whole it had been exercised very much for the public advantage, and that its abrogation would give occasion to much inconvenience in the conduct of the public business. He did not look upon legislation as the whole, or even the chief, business of the House. The House of Commons was the exponent of public opinion, which it sometimes led and sometimes followed, and the country would not be satisfied unless its representatives had legitimate opportunities of discussing the opinions and feelings of the public out of doors. There could not be a more legitimate occasion of doing so than this old habit of moving the adjournment of the House on Friday. He could not remember any instance in which this privilege had been abused, while he could recall to mind many instances in which it had been exercised for the public advantage. He could not, therefore, support this Resolution.

Lord D. Stuart

MR. EVELYN DENISON said, he thought it impossible to force this Resolution upon the House. Having, as Chairman of the Committee of 1848, taken an interest in this subject, he had received a letter from the late Sir Robert Peel, who said he very much feared that, without the general concurrence of the House, a mere alteration of rules and a curtailment of the opportunities which independent Members possessed would not effect the desired end. Sir Robert Peel said—

> "If I tell a talking bore in the House of Commons, 'You are an intolerable nuisance, and you shall only have fourteen opportunities of wasting the time of the House instead of nineteen,' I am afraid I should not diminish by one-fourth his means of annoyance. I should probably only give him a new arena for the exercise of a perverse ingenuity in showing how the remaining rules may be evaded."

The experiment of restrictive rules had been tried in the United States, but it appeared upon the debate on the Nebraska Bill that the Deputy Speaker had abridged the period allowed to each speaker from one hour to half an hour, and would not "give any Gentleman the floor" unless he engaged not to move an Amendment. He concurred with the hon. Member for Manchester (Mr. Bright) in opposing this Motion.

LORD JOHN RUSSELL said, he did not think it expedient to propose any Resolution at all restricting the opportunities of debate, unless with the general concurrence of the House. At the same time he did not think that the proposition which had been assented to by the Committee was at all unreasonable, since it was founded on a desire to forward the public business. With regard to the practice, he would admit with the hon. Member for Manchester that there were few occasions on which the Motion for the adjournment on Friday had led to much discussion, and that, with scarcely an exception, the topics brought forward might be said to come under the description of urgent subjects. The proposal, however, was founded upon the danger becoming greater every day of an influx of observations and speeches which would take up the greater part of the time of the House on Friday. There had been this year several notices upon the adjournment of the House on Friday, on one subject and the other, as if it were intended to make of Friday a regular day of notice of Motions. That had not been the case as yet, and if the privilege were abused it would always be in the power of the right hon. Gentleman (Sir J. Pakington) or any other Member to propose the Resolution. He therefore ventured to submit to the right hon. Gentleman that it would be better to withdraw the Resolution, seeing that it did not meet with the general concurrence of the House.

SIR JOHN PAKINGTON said, he quite agreed with the noble Lord that this Resolution ought not to be pressed upon the House in the face of so much opposition. There were nine Members of the Committee present when this matter was discussed, including the noble Lord himself, and this Resolution received the unanimous assent of the Committee. He must deny that the present Resolution was an encroachment upon the privileges of Members. He would rather say that the practice of raising subjects of debate upon the Motion for adjournment on Friday had been a gradual encroachment upon the forms of the House. He believed there had been no instance of this practice until two years ago, when an hon. Member brought forward a Motion of which he had given notice a week before. This example had been followed by other hon. Members, and there seemed to be a danger that Friday would be regarded as a Motion day, when all sorts of irrelevant subjects of discussion might be brought forward. On one evening this Session an hon. Member had given notice of his intention to bring forward a particular subject on the Motion for the adjournment of the House on Friday, and after it was disposed of four other subjects were brought on without notice. He hoped there would be no unnecessary encroachment on the time given to the Government, but for the present he would withdraw the Resolution.

MR. BOUVERIE said, the introduction of the practice alluded to was very recent, and might lead to great inconvenience. Until 1848 discussions were allowed every night on the question of the reading of the Orders of the Day, but upon the recommendation of the hon. Member for Montrose (Mr. Hume), that practice was discontinued. It was of the greatest importance that the House should know what questions were to come before it on any evening, but by the practice which had grown up, the House might be taken by surprise, and Members of the Government might be called upon to answer statements to which they were wholly unprepared to reply. The hon. Member for Manchester had on one or two occasions taken advantage of formal Motions, and made a long speech for which hon. Members were totally unprepared, and of which they had had no notice. He hoped the right hon. Gentleman (Sir J. Pakington) would retain the Resolution in his mind, in order that it might again be proposed should there be any disposition on the part of hon. Members to abuse the privilege.

MR. BRIGHT said, he had only once this Session spoken on the Motion for adjournment to Monday, and that was upon an occasion on which a noble Lord had made a statement relative to his hon. Friend the Member for the West Riding (Mr. Cobden) which he no doubt now wished he had not made. He had also only spoken once upon this question last Session.

Motion, by leave, *withdrawn.*

OXFORD UNIVERSITY BILL.

Order for Committee read.

House in Committee.

Clause 26 (Power to open Private Halls).

MR. EWART said, he wished to move an Amendment to allow lodging-houses (subject to the licence of the Vice Chancellor), as well as private halls, to be opened for the reception of students. He believed it was part of the ancient constitution of the University that the respectable resident householders should be allowed to receive students as lodgers, and he conceived that such a course would be extremely advantageous to the poorer class of students. He believed that at one time there were no fewer than 300 hostels or lodging-houses open in Oxford. But the great recommendation of his Amendment would be, not that it was a return to the ancient system, but that it would be the best way to enable poor students to obtain a University education. The Commissioners recommended this system in their Report, and some of the most valuable witnesses who appeared before the Commissioners were in its favour, among whom he might cite Professor Vaughan, Professor Wall, Rev. Mr. Patterson, Sir Charles Lyell, and the Rev. Mr. Jowett. But, while he recommended the opening of these halls, he was not in favour of the establishment of what was called poor halls. He thought the separation between rich and poor was already too great in this country, and he thought the climax of that separation would be reached if they were to open halls expressly designed for poor students. The best system, in his opinion, would be to allow the students to lodge where they pleased, as was done in Scotland. No evil resulted from the system there, and he did not see why any evil should be anticipated in Oxford. He was aware it might be said if these lodgings were allowed young men would be subject to greater temptations, but he thought the richer class of students would be well taken care of by their parents, who would place them either in a college, with a private tutor or with some professor, who would look after their moral conduct and assist them in forming religious habits, while the poorer class of students would not, from their narrow circumstances, be liable to encounter the temptations referred to. They had evidence as to the poorer students in the Scotch Universities, many of whom were obliged to return home in the recess and work at farm labour, in order to enable them to come up next Session to attend college. He could cite cases in which many young men and good scholars had so betaken themselves to honourable labour in that manner, and the Report of the Commissioners, in mentioning the fact, stated truly that young men, trained in such a manner as that, were capable of going through great hardships and difficulties. He thought some such system of lodging-houses might be well adopted at Oxford—of course under the security of the licence of the authorities. It might be objected, if they did so, they would injure the colleges; but he believed it would largely increase the number of students in the University, and whatever tended to have that effect would in the same proportion increase the influence of the colleges. By refusing to adopt such a suggestion they were really not following the recommendation of the Commissioners; but, believing as he did, that by making such a provision both the University and the nation would derive great advantages, he should move to insert the words "resident householders" in the clause.

Amendment proposed, in page 6, line 11, after the word "Convocation" to insert the words "or any resident Householder in Oxford."

THE CHANCELLOR OF THE EXCHEQUER said, the speech made by his hon. Friend tended in some degree to forestall the discussion on the clause as it stood, upon which, though he feared he could not anticipate the unanimous consent of the Committee, he hoped to get a large majority. The hon. Member proposed to go back, without modification, to a state of things which existed at a remote period. But it was a dangerous thing for one age to imitate, or, if he might use the word, to ape the manners of another on the ground of precedent, without first ascertaing that all the circumstances of the two cases were alike. He for one was not prepared to recommend the establishment of the ancient system of the University in its full freedom. That was a state of things which belonged to a turbulent period, in which ideas of discipline were of a different character, in which there existed a religious discipline exercised by an ecclesiastical system. No such system existed now, but, notwithstanding the strength of that ecclesiastical system, when it was in full power, the Universities were among the most turbulent places in the whole kingdom. At that time frays and fights, attended with bloodshed, and tending to disturb and break up the peace of the whole city and neighbourhood, were of frequent occurrence, and, although he did not mean to say that would be the precise effect of his hon. Friend's Amendment, the immediate result of its being carried would, he had no doubt, be that the corporation of the city of Oxford would make a considerable addition to its police force. The case of the Scotch Universities had been quoted by his hon. Friend, but he thought such an argument was inadmissible, from the habits of the country, for he said it to the credit of Scotland, the power of individual self-control was far greater there than in England, and it was most dangerous to say that, because a certain system was tolerable in Scotland, it should be introduced wholesale into England. They proposed going as far by the Bill as they dared with a due regard to the question of discipline. The discipline of the University and colleges, even at the present moment, was doubtless far from perfect, but it was a real system of discipline, and it exercised a very salutary and beneficial control over the conduct of young men, which he felt convinced the Committee would not assume the responsibility of breaking down. Now, he would ask the Committee whether they thought the Amendment was compatible with the maintenance of this system of discipline or not? The Bill proposed that members of Convocation of a certain standing should of right, provided they conformed to strictly legal statutory conditions, be entitled to open their residences in Oxford as private halls for the reception of young men, who would, to all intents and purposes, fully enjoy the privileges of the University. He thought the hon. Member for Dumfries (Mr. Ewart) would admit that that was a material, though he (the Chancellor of the Exchequer) felt satisfied that it was a safe variation from the existing system. The Bill provided that a person should have this right provided he conformed to certain conditions, to be fixed by the University, with regard to his standing and other matters, and the 41st clause of the Bill laid down certain regulations with regard to the government of these private halls and the instruction and discipline of the students residing therein. This provision ensured to the University the means of restraint and control over the persons to whom the privilege of establishing private halls was granted, for the University could strike those persons off the books, could deprive them of their degrees, and could require guarantees for the proper conduct of their houses. The Amendment of his hon. Friend would, however, enable any person to open a lodging-house for students in Oxford, without any guarantee that the person opening such house was qualified in any degree to superintend or to be responsible for the morals and discipline of the students who resided with him. It would, in his (the Chancellor of the Exchequer's) opinion, be most unsafe to go so far beyond anything now existing either at Cambridge or Oxford with regard to the lodging-houses for students. His first objection to the Amendment was, that the persons to be authorised to open lodging-houses were not presumably qualified by character, position, or acquirements, to exercise any moral influence over the young men; and his second objection was that the restrictions which were applicable to members of the University who would be enabled to open private halls under the Bill would not be in the slightest degree applicable to the owners of ordinary lodging-houses. Even in the case of the Scotch Universities, he could not conceive that any person who chose to go and live in Edinburgh or Aberdeen would be entitled to open his house as a private hall for the reception of students. He really thought it would be much better to say to every lad of sixteen or seventeen years of age who was sent to Oxford, "You may look after yourself, and be the supreme guardian of your own manners and morals," than to resort to the delusion and imposture—he did not use the word offensively, for he was sure the hon. Member for Dumfries meant nothing of the sort—of investing with certain powers of discipline over the students persons who were altogether unfit for such a trust.

Mr. J. G. PHILLIMORE thought that his hon. Friend who proposed to restore the University to what he considered its original condition could scarcely be aware of the violent contests which, under that state of things, constantly took place between the members of the University and the townsmen. One of the extracts with which he had met thus described the morals of the time—

> "In unâ autem et eâdem domo scholæ erant superius—prostibula inferius. In parte superiori magistri legebant; in inferiori meretrices officia turpitudinis exercebant."

He found, in a writer of considerable authority, an account headed, "De Infortunio inter Scholares et Laicos Oxonienses," which described "Maximus conflictus, plures vulnerati, viginti occisi, duravitque dictus conflictus quasi per duos dies," the conflict being eventually stopped by a religious procession. Sir William Hamilton, a very able writer in the *Edinburgh Review*, said—

> "The Nominalists and Realists withdrew themselves into different 'burse-bursch,' whence they daily descended to renew their clamorous and not always bloodless contests in the arena of public schools. Thus Ingolstadt, Tubingen, Heidelberg, Erfurth, were divided."

Henry, in his *History of Great Britain*, also said—

> "The Universities of England were frequently disturbed and almost ruined by violent quarrels among the scholars, or between them and the townsmen. In the quarrels among the scholars, the southern English, Welsh, and Irish commonly formed a party against the northern English and Scots. Many of the members of both Universities, being desirous of avoiding both these quarrels, retired to Northampton, A.D. 1260, and began to form a new University. Thirty years afterwards the University of Stamford began, and terminated in the same manner."

He (Mr. Phillimore) thought there was a desire to restore things to their original condition without at all considering what that condition was, and he conceived that the clause, both as it stood, and as it would be altered by the Amendment of the hon. Member for Dumfries, would certainly disregard that order without which a University must fail to effect its main object. For his own part, he never passed through a German University, which was a public pest, without congratulating himself that the English Universities were conducted in a different manner. He did not dispute the amount of attainments occasionally acquired in German Universities, and which enabled men to apply themselves to critical studies, but the object of our Universities was to qualify men for the duties of active life, and in the noble language of Milton, to fit them to perform skilfully and magnanimously all the offices of peace and war. He considered that the high feelings and the sentiments of honour instilled at our Universities into the minds of English gentlemen, were mainly attributable to that system of discipline which, he believed, this clause would tend to destroy, and he should, therefore, feel bound to offer it his opposition.

Mr. BLACKETT said, he had no objection to the clause as it stood, except that he did not think it went far enough. He believed it would tend very materially to facilitate the access of poor students to the University, and that any provision which relaxed the present college monopoly would lead, if not now, at all events in future years, to the solution of the difficult question respecting the admission of Dissenters to the Universities. He would, therefore, vote for the clause, although he would do so more willingly if the Amendment of the hon. Member for Dumfries (Mr. Ewart) were adopted. The right hon. Gentleman (the Chancellor of the Exchequer) objected to the Amendment, mainly on the ground that it would relax the discipline of the University, but he (Mr. Blackett) would remind the Committee that the proposal of the hon. Member for Dumfries was fully approved by the Royal Commissioners, including some of the most eminent men in the University. With the example of the students of University College and King's College, London, before them, there was certainly no fear that if they agreed to this Amendment we should have a revival of the tumults which characterised the Universities in the middle ages.

Mr. WIGRAM said, that as the opinion of the Oxford Commissioners had been referred to, he hoped the Committee would not dispose of the question without bearing in mind the opinion of the Cambridge Commissioners, for they had given it their matured and deliberate consideration; and their opinion was, that the introduction of any such system would be fatal to the discipline generally of the University itself. Reference had been made to the state of things which prevailed at Cambridge; but he begged to observe that no such system was to be found in existence there. The system at Cambridge amounted to nothing more than this—the masters of colleges had, in their discretion, the power of giving liberty to the young men to reside in the town, under such restrictions and conditions to secure discipline as they in their judgment might think it necessary to impose. By requiring a regular return to be made every morning of the hours at which the young men in lodgings came home on the previous night; by requiring them also to attend chapel in the morning, and to be present at the halls in the colleges, as effective a discipline was preserved amongst these young men as amongst those who were resident in the colleges themselves. The measure proposed by the hon. Member for Dumfries, therefore, would introduce a system to which the system now established at Cambridge would not bear the slightest similitude. He thought hon. Members might put it to themselves whether they would like to incur the responsibility of sending a young man to a University conducted upon a system under which they would have large bodies of young men resident in the county town of Oxford, not subject to any system of discipline whatever, but merely governed by such good sense as they might upon the whole possess at the age of seventeen or eighteen years. He trusted the Committee would reject the proposal.

Mr. GRANVILLE VERNON said, he was most anxious that every means should be adopted for extending the privileges of the University, but though he would have great satisfaction in supporting the clause, he could not give his assent to the Amendment. He wished at the same time frankly to declare that one of the principal reasons which induced him to support the clause was his earnest desire to see Dissenters admitted to the Universities. It appeared to him that the system of independent halls would eventually afford facilities for obtaining University instruction to those who dissented from the doctrines of the Church of England, but he thought it was most desirable for the moral welfare and discipline of the students that, at the age of from sixteen to eighteen, they should be subjected to more adequate supervision than could be exercised over them in lodging-houses. He doubted whether students who took lodgings in Oxford would be better situated, in point of expense, than those who lodged in the colleges, and he believed that if they lived together in independent halls, they would live at a cheaper rate, and that a greater spirit of emulation would be excited among them with respect to learning than if they lived apart from one another.

Mr. PHINN said, he concurred in much that had fallen from the hon. Member for Dumfries (Mr. Ewart), but he hoped that he would withdraw his Amendment, and allow the Committee to proceed to a discussion upon the main question involved in the clause. If the clause was agreed to, it would be very easy then to attain the object of the Amendment by adding a proviso. The advocates of the present system talked of the discipline of the college as if it were perfect; but it only amounted to this, that a student, whether in or out of a college, might amuse himself up to twelve o'clock at night—at least, this was the case in the college to which he belonged—by paying a small fine to the porter. The Cambridge University Commissioners stated that there was better discipline kept up among those who resided without than among those who resided within the college; and the reason for this was obvious. If students resided in a college, they remained up in their own rooms, gambling and drinking and doing what they pleased up to two or three o'clock in the morning; but, if they lived in separate apartments, they were obliged to break up their orgies at an earlier hour. He thought that the University of Dublin was a model of what a University ought to be, and he appealed to the hon. Gentleman who represented it to state what had been the results of the system which was there in force? At that University residence was not compulsory, but any one who could pass a competent examination was entitled to take a degree, and he hoped that the Committee would adopt the principle, with respect to Oxford, that private halls ought to be established.

Mr. ROBERT PHILLIMORE said, he also would recommend that the Amendment should be withdrawn; but he differed from the hon. and learned Gentleman in thinking that we ought to be guided, with respect to the University of Oxford, by the precedent of the University of Dublin. The resident members and tutors of the University, who were the best able to form an opinion upon this point, considered that the number of persons belonging to or unconnected with the University who wished to alter or modify the present system by allowing a number of the students to lodge with the townspeople was very inconsiderable, and they did not express an opinion in favour of any such change. He was of opinion that the proposition of the hon. Gentleman (Mr. Ewart), if carried into effect, would destroy the moral and spiritual discipline of the University.

Mr. HEYWOOD said, he should support the Amendment, which he considered was a first attempt to do justice to a large class of Her Majesty's subjects—the Dissenters—who, although they were now excluded from the University, ought not to have their liberty of conscience unnecessarily interfered with. It was only by the erection of places of residence upon a new principle that the evil of keeping constantly in the same routine could be obviated, and fresh blood infused into the University. We had no reason, in these civilised times, to apprehend the occurrence of tumults such as those which had formerly taken place, and he would refer to the example of Edinburgh to show that the alterations proposed would not produce any ill effects. He believed that the present system of college discipline did not affect the morals of the students, but merely kept up an ecclesiastical monopoly and encouraged prejudices which ought to be relinquished.

Mr. HENLEY said, a great principle was involved in the hon. Gentleman's Amendment, but he objected to it upon several grounds, for he believed it would altogether break down the University discipline, although he did not think there was much to apprehend with respect to rows and tumults, for the fact was, that these things were not now in fashion—their day had gone by. The case of the University of Edinburgh, to whom the hon. Gentleman who spoke last had referred, did not bear at all upon the question now under the consideration of the Committee, for in a large town like Edinburgh the number of members of the University bore no proportion to the number of inhabitants, just as in London no one knew anything about the members of the University of London, for if they got into a row they were taken to a police office like other people. In Oxford and Cambridge, on the contrary, the members of the University formed a large proportion of the inhabitants of the town. Much better order prevailed now than was the case thirty years ago, and the habits of society had improved there as well as elsewhere, but he certainly looked forward with apprehension to the breaches of good order which might be committed if this proposition were carried into effect. At present, if a student jumped into a farmer's corn-field, for instance, and did any damage, the farmer directly asked, "What college do you belong to?" And he answered to college A or college B. The person who asked the question felt that he was speaking to a gentleman, and if he deemed it necessary to seek a remedy, he knew where to find him. But if the reply were to be merely "I am Mr. A. or Mr. B., and I belong to the University of Oxford," the person would say, "There are some four or five thousand gentlemen in the University of Oxford, and I will keep you in custody until I can make sure of whom you are, for looking for Mr. A. or Mr. B. in the University of Oxford, is like searching for a needle in a bundle of hay." He saw no object in the hon. Gentleman's Motion, except to enable any person, whether Jew, Christian, or heretic, to open one of these houses, and he should therefore oppose it, as he thought that, although the proposal in the Bill was bad, the Amendment was a great deal worse.

Mr. AGLIONBY said, he should cordially support the Amendment, and he thought there was no force in the illustration of the right hon. Gentleman opposite, because a member of the University could be traced just as well if he resided at the house of some respectable tradesman as if he belonged to a college.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 41; Noes 112: Majority 71.

Mr. EVELYN DENISON said, he wished to ask whether it was intended that the Vice Chancellor was to have the entire power of granting or withholding licences, without reference to any other person? If so, it would appear to be a very great power to place in the hands of one individual.

The CHANCELLOR of the EXCHEQUER said, that the intention of the clause was to give to the University the fullest possible power of laying down by Statute fixed conditions of qualifications, without which there should be no title to a licence; but every person who was possessed of those qualifications would be entitled to require one from the Vice Chancellor, who would, therefore, be merely a functionary to grant the licences under certain conditions.

Lord SEYMOUR said, he did not think that the clause, as it stood, embodied that view. It should be so altered as to make it clear that nothing was to be done by the Vice Chancellor except in accordance with the regulations of the Statute.

Mr. HENLEY said, he thought that some discretionary power ought to be left to the Vice Chancellor, who might otherwise be called upon to license persons of immoral habits or notoriously dissolute lives.

The SOLICITOR GENERAL said, that by the 41st clause it was expressly provided that the University should by Statute fix the terms and conditions of granting licences, and that that Statute would bind the Vice Chancellor. No rule could be more explicit.

Mr. NEWDEGATE said, that there was a want of responsibility in this case, and yet that there was no discretion. He thought it better to vest the granting of licences either in the Hebdomadal Board or the Chancellor, and then it would be the duty of the Vice Chancellor to inquire into the character and position of the persons applying, and to report upon them to the Board or the Chancellor. As the clause at present stood, the duty cast upon the Vice Chancellor would be a very invidious one.

Mr. ROBERT PHILLIMORE said, he saw nothing at all invidious in it. His duty would simply be to certify that the persons applying for licences were possessed of the qualifications which were required by the 41st section.

Mr. MOWBRAY said, he wished to move, as an Amendment, in lines 14 and 15 to leave out the words "as a private hall." The clause proposed to destroy a system which had hitherto worked most advantageously, and to revert to one which had been tried before and failed. There was no real want of accommodation in the University at present. There were about 100 rooms vacant at the present moment. It might be said that this accommodation was within the reach of richer students only, and that it was desirable to provide accommodation for students of a poorer class. This plea, by the way, was inconsistent with the enactment which followed at a short distance from the present clause —namely, that which took away from poor students all the preferences at present accorded to them on the ground of indigence. After all, however, the system of private halls was not likely to prove as economical to poor students as the existing system. Masters of arts, who were to be at the head of these private halls, would generally be married men, and no doubt could be entertained that they would live by the students. Perhaps there was no place in which lodging accommodation was so cheap as in the University of Oxford. Take the college in which he had the honour to be educated—Christ Church—as an example. There the rent of rooms ranged from eight to fifteen guineas a year; and for the latter sum a student could get as handsome a set of rooms as he could obtain in London for 100*l.* For these reasons, then, it might be doubted whether private halls would afford any advantages to students in respect to economy, unless, indeed, the persons placed at their head should be zealous theological partisans, and be inclined to forego pecuniary considerations from a desire to make converts. The strongest objection to private halls was founded on their tendency to impair the moral and spiritual discipline of the University. No security was taken that the master of arts should have the proper moral qualifications for being the head of a private hall. Then, again, no provision was made for the appointment of a successor in the event of one of these heads of private halls dying or retiring. Was there to be a recurrence to the old and free system which had formerly been tried and failed, as was stated by the Commissioners themselves? The mode of extending the University recommended by Convocation on the 23rd of May last was infinitely better adapted to effect that object than the system which the present clause would establish. It was recommended, on that occasion, to enlarge the power of the Vice Chancellor to permit students to reside with their relatives and other approved persons in the town, under certain regulations; to permit college halls to annex houses to themselves on certain conditions, and to authorise the establishment of independent halls under special regulations. Strictly speaking, the last recommendation was rejected for the present on merely temporary grounds; but there could be no doubt that it would ultimately be approved. As the additional accommodation thus recommended would be provided out of the college funds, the arrangement, on economical grounds, would be more favourable to students than that proposed by the Bill. The reference which had been made to the University of Durham was not in point, for the private halls there were the speculation, not of private individuals, but of the University itself. The clause before the Committee was open to the suspicion of being intended to let in Dissenters by a backdoor. On the 27th of April the noble Lord the Member for London said that those who advocated the admission of Dissenters to the Universities would stand on better ground after the Bill passed, because, in consequence of the establishment of private halls, it would not be imperative on Dissenters to do any act which would offend their consciences. This was not a straightforward way of meeting a great and important question which would effect a fundamental change in the University of Oxford; this question should be fairly met and considered. They ought not to have it said by the Chancellor of the Exchequer to his Friends, on the one hand, that they left the question of the admission of Dissenters untouched by the present Bill, and then have the noble Lord turning round to his Friends and saying, "Support this Bill; the 26th clause contains an admirable provision to pave the way for the admission of your sons to the University—this clause will be the means of introducing so much laxity of discipline and of theology that in a period of five years the most zealous advocates of the Church of England will not desire to keep up the present exclusive system." This was not the way in which the question ought to be met; it was opening a backdoor for the admission of Dissenters, who, on their part, would, if they were to enter the University, rather do so after the question had been fully and fairly discussed. The hon. Member for Dumfries had cited the Commissioners as authorities in favour of permission being granted to the students to reside in lodging-houses, but in opposition to such authorities were the opinions of Archbishop Whately, the present Vice Chancellor, and the Cambridge Commissioners, who were decidedly opposed to such a system. They said that there would be danger of men of loose morals setting up halls, with great laxity of discipline. Thus the Archbishop deprecated and denounced the very system to be established by this measure. The present Vice Chancellor of Oxford was a great friend of University extension, but he had expressed a similar opinion, asking what could prevent any adventurer, irreligious and unprincipled, from opening halls under such a system as that proposed by Government? The Cambridge Commissioners had reported against the proposition, stating their opinion to be that it was the extension of the collegiate system, and opening the door to the largest number of students, rather than to such a measure as the present, that the friends of University extension ought to look. The proposed system was one condemned by the highest authorities—it was a recurrence to a system which had been tried and had failed; a system which would lead to evils as great in another form—a system which, for three centuries past, the Universities had abandoned, and to which he hoped the House would not recur by adopting the clause in its present form. As the proposition contained in this clause was objectionable in itself, and not sanctioned by the authorities of the University, but condemned by those high in authority, he trusted the Committee would not sanction it.

MR. GRANVILLE VERNON said, he should oppose the Amendment. The 28th clause stated the qualifications and conditions of licensed masters, and gave the University full power of meeting the cases and difficulties mentioned by the hon. Member for Durham.

THE CHANCELLOR OF THE EXCHEQUER said, he was desirous of stating that the issue raised was not a convenient one, as the omission of the words proposed would not affect the substance of the arrangements; and, as a matter of arrangement, he did not care whether the words were omitted in the present clause, as they could be inserted in the following clause, in which the qualification of the licensed master was defined.

MR. NEWDEGATE said, he should support the Amendment, as it appeared to him that the question as to the admission of Dissenters had not been fairly raised by the present clause, and that the attempt to admit them by a backdoor was not a statesmanlike way of dealing with the question, but a mere subterfuge. He could not conceive means by which the discipline of the University would be more effectually broken up than by these private halls, for the enforcement of discipline depended much more upon the colleges than the University. He was quite certain that if anything would destroy the feeling of equality which prevailed in the University system, it was the new system which they were about to introduce. He did not believe that it would afford the advantages to poor students, which the endowments of colleges, aided by the greater ecomony of providing for larger numbers, enabled colleges to extend to the indigent. Nor did he believe that by this means the commercial and mercantile classes would be induced to send their sons to pass several years at the University for education, since they were usually required to commence practising and learning by practice the primary elements, together with the detail of business, at the very age when a University education commenced. One fact, however, was sufficient to determine his vote, and, he thought, ought to decide the opinion of the Committee; and it was, that several of those, who were distinguished members of the University, and who were officially connected with its teaching—men, who, having been poor when themselves students, had obtained their education by the aid afforded to them from the endowments of the colleges, and by the college system of instruction, had come forward and had given evidence, based on their own experience, against this proposal. Among those who had thus at some sacrifice of private feeling endeavoured to inform those with whom the decision of this question would rest, stood honourably prominent Mr. Gordon, of Christ Church. Thus those who by interest, by position, and by connection were best qualified to judge how to promote and extend the advantages of the University among the middle and poorer classes were of opinion that it was not by means of private halls that those advantages could be obtained.

Amendment *agreed to*.

MR. GOULBURN said, he had an Amendment to propose. It was to strike out certain words in the clause. The clause ran thus:—

> "It shall be lawful for any members of Convocation, upon obtaining a licence from the Vice Chancellor, to open his residence for the reception of students, who shall be matriculated and admitted to all the privileges of the University, without being of necessity entered as members of any college or existing hall."

The words he proposed to leave out were these—"admitted to all the privileges of the University without being of necessity." Those words appeared to him to involve the principle of the clause. He had forborne hitherto taking any part in the discussion of this Bill, because, belonging as he did to the sister University, he did not consider himself competent to express any opinion as to the amendments which the system pursued at that University required, it being a system entirely dissimilar from that which was adopted at the University which he had the honour to represent. Nor should he, on the present occasion, have taken any part in the debate had he not believed that, by proposing to establish by law a new course of education at Oxford (such as this clause would do), there was an implication that a similar principle ought to be applied to the University of Cambridge. Had it been proposed that the University of Oxford should have the power in itself of deciding upon the institution of private halls, or upon the admission or non-admission of the system of such halls, he should not have had a word to say upon the question. If there were any value in the changes which had been made in the governing body of the University, it had become so much more popular in its nature, and comprised within it so large a majority of those who were best qualified to express an opinion either as to the University system or as to the college system, that the question as to how far private halls might be allowed might be well left to the discretion of that body. But that course not having been adopted, and fearing, as he did, with reference to the University he represented, the great danger to its discipline which this clause would necessarily effect, he felt himself compelled to move the omission of the words which constituted the very essence of the danger which he apprehended. Judging from the discussions which had taken place upon this subject, both in that House and elsewhere, it would appear that Gentlemen had come to those discussions with a feeling that the University and the colleges were necessarily antagonistic. But his view of the case was essentially different, and he believed that the prosperity of the University was dependent upon the united efforts of the University and the colleges, each in their proper sphere contributing together to form the character of the men educated and trained by their conjoint labours. That, however, was not the feeling of those who were favourable to the present clause. It was not the feeling, he feared, of the Commissioners who were appointed to inquire into the state of the University of Oxford; for those Commissioners had evidently proceeded on the assumption of that antagonistic principle. They had suggested, as a remedy for what they considered to be the defects of the existing system, three several propositions. The first was to establish affiliated halls connected with the colleges; the second was to establish halls under some kind of limited collegiate control; and the third was, that there should be independent small private halls, under the control of a master of arts, licensed and qualified as had been before recommended. With respect to the first and second propositions he had no objection whatever to offer; but he was decidedly opposed to the proposal of separating from collegiate discipline and instruction the members who were permitted to go to the University. It seemed to be the object of the Commissioners, as stated in their own Report, to open one class of private halls for noblemen and gentlemen of large fortune, and another for a class much poorer than that which at present resorted to Oxford. Now, what was the principal advantage of a collegiate education as at present conducted? It was that moral discipline which was exercised within the different colleges, where men of all ranks and orders in society moved on a footing of equality. Meeting on a perfect footing of equality in the colleges, assembling together at certain periods, attending the same lectures under the same instructors, and meeting daily in the college hall and college chapel, they acquired that degree of intimate connection and friendship which was essential to the formation of their character. What would be the situation of these different classes when they came to rank themselves in separate bodies under separate and independent masters? Each would be confirmed in those opinions and habits which were most adverse to a union with a class distinct in itself. If there was anything in England which it was desirable to encourage, it was union among the different classes of society, that the rich might be taught to know that the poor had feelings and qualifications which entitled them to rank among the highest, and that the poor might learn to appreciate the merits of those on whom they might otherwise look with envy. Some persons appeared to imagine that extravagance and dissipation were the only vices against which it was necessary to guard; but there were vices of a meaner class which were apt to affect the lower orders of society if educated in separate institutions, and which were as dangerous and as fatal to their moral character and to their usefulness in the world, as were the extravagance and dissipation of those of a higher rank than themselves. He very much feared that the tendency of this clause would be to embitter the differences between the different classes of society, and to foster in both of them the qualities which, of all others, it was desirable that neither of them should possess. Of the fifty-two gentlemen who were examined before the Commissioners upon this particular point, nine of them expressed an opinion in favour of private halls, twenty-seven expressed an opinion against them, and fifteen expressed no opinion at all. It has been said that the tutors approved of the system. Well, of the seventeen tutors who were examined before the Commissioners, only four approved of the plan, while thirteen dissented from it. It was, therefore, rather singular that in the paper published by the Tutors' Association, they recommended the establishment of private halls; and that the Rev. Mr. Lake, one of the ablest tutors in Oxford, who was not only a member of the Association, but one of the Committee by whom its constitution was drawn up, had expressed himself strongly against the establishment of private halls, on the ground that any system of superintendence, either morally or intellectually, would in them be impracticable. The simple question, then, for the House to consider was, whether they would give a Parliamentary injunction to adopt a particular course with respect to education in the University distinct from that which had hitherto prevailed, breaking up that system of collegiate discipline which was alone effective for the purpose of producing moral restraint, or whether they would leave the matter to the decision of the University itself, which must be supposed anxious for the extension of education, and which had now, under the present Bill, obtained a constitution so framed as to give to every element in the University, whether belonging to the University or the colleges, its due weight and consideration. He held it to be essential to order and discipline that a system of this kind should not be adopted in the University which he represented. He might remind the Committee that the Commissioners for inquiring into the University of Cambridge stated, he might almost say in affecting terms, the reasons which induced them altogether to repudiate as highly dangerous a system of this nature. He had no objection to the imposing on halls or lodging-houses any control which might be thought necessary; but their connection with the colleges he held to to be essential to the moral and religious training of the students. Men were not sent in early life to a University merely to acquire knowledge, but also that, by means of moral and religious training, they might be fitted for the duties of after life. The right hon. Gentleman concluded by moving his Amendment.

Amendment proposed, in line 16, to leave out the words "admitted to all the privileges of the University without being of necessity."

Mr. ROUNDELL PALMER said, he differed, not from the principles laid down by his right hon. Friend who had just moved the Amendment, but from the manner in which he had applied those principles to the consideration of this subject, which was one of real difficulty and some anxiety. He concurred with the right hon. Gentleman, and with his hon. Friend the Member for Durham (Mr. Mowbray), in the principle that they ought to maintain at Oxford the essential characteristics of the present University system as there administered; and especially on two grounds—first, of that being a resident University, and secondly, of all its residents being governed on a system of religious and moral discipline. Nothing, certainly, could be further from truth and justice than to represent this as a sort of subterfuge for seeking to introduce Dissenters to the University. That question would be fairly raised by the hon. Gentleman who had given notice of his intention so to do: and it was unfair to attempt its discussion in an incidental way, in considering a subject with which it had no necessary connection. He, therefore, contended that his right hon. Friend (Mr. Goulburn) had confounded things essentially distinct in their character and their practical tendency; and a more striking proof of that could hardly be afforded than by the circumstance that he had cited evidence laid before the Royal Commissioners for which, as he (Mr. Roundell Palmer) read that evidence, there was absolutely not the slightest foundation. In point of fact, those who had read that evidence might have observed that the subject of private halls was nowhere distinctly or specifically touched upon from the beginning to the end of that evidence. The Commissioners were totally silent upon that point throughout; and they did not even notice it as forming one of the plans which came under their consideration. The Commissioners did not touch the subject; they gave no opinion in its favour; and they gave no opinion against it. It was a very remarkable circumstance, too, that Mr. Lake was himself not only one of the members of the Tutors' Association, who recommended the plan of private halls, but, he believed, one of its most active members. The want which those private halls would supply was this—the present colleges could not accommodate more than from fifteen hundred to two thousand men, with the utmost extension of which they were capable. He would ask the House to test the sufficiency of the existing system by a familiar illustration. When railways were first introduced he could imagine that the persons attached to the old system might say, people would never afford the expense of travelling by railways, that the country did not want them, and that the stage-coaches were not half full. The truth was nothing more than this—that the existing system in the University had suited itself to the particular wants of a particular class of persons, and that class was necessarily a limited class, from the peculiar nature of the system; and the other classes whom the existing system did not suit felt themselves practically excluded from it, and did not attempt to press into it. The present collegiate system had many and great excellences; it was excellent in itself, and it would be a great pity to destroy it; but, in point of fact, it was an aristocratic system, not wishing to use the word in any bad or invidious sense. It had also some of the inconveniences which must attend on such a system, especially that of the habit of expense. Hon. Members ought never to forget that when the sort of expense was mentioned of which the country complained, it was the habit of unnecessary and extra expense which the aristocratic system of the colleges and the difficulty of introducing a proper system under that traditional system must necessarily perpetuate. Now, in the private halls the whole system of expenditure would be regulated on principles of domestic economy by the master, and the atmosphere by which they would be surrounded would check rather than encourage extravagance. Besides, it appeared to him highly probable that in a large proportion of those halls there would be absolutely a better discipline than in the colleges; for in the colleges, after all, giving them credit for all their merits, what were their guarantees for discipline? They were very slight indeed; the liberty was extremely great; and the guarantees chiefly consisted in the moral example of the tutors, and in the better class of young men whom they attracted. The 31st clause provided for the maintenance of worship and religious and moral discipline; and he really did not share in the feeling or the belief that such persons as the University thought fit, as a class, to intrust with the responsible duty of presiding over those private halls, would be less willing to discharge that duty, and less capable, for the moral benefit of the students, than the authorities in the colleges. For those reasons he was strongly of opinion that it was worth while to try this system; they might, at the same time, try their affiliated and independent halls, but he could not believe that they could attain any other system at once so elastic as this would be, so capable of meeting the demands of the country for University education, and also so likely to secure good discipline.

Sir JOHN PAKINGTON said, he felt great regret that the hon. and learned Gentleman the Member for Plymouth had thrown his weight into the scale of the Government on this occasion. Up to that time he had been the only Member who had defended the principle of private halls; and he trusted the right hon. Gentleman the Chancellor of the Exchequer or the noble Lord (Lord J. Russell) would explain the advantages expected to be derived from these private halls, and the grounds for believing those advantages would outweigh the obvious and grave objections to them. He considered this to be one of the most anxious parts of the present Bill, and one which gave the greatest alarm to those who took a sincere and lively interest in the discipline of the University. This being so, he wished to know why it was considered necessary to press the subject so irksomely upon the attention of the University at the present time? and thus to give assurance to that feeling of animosity against the authorities of the University which he had previously described as being but too evident throughout the whole scope and tone of the measure. It was important to consider what the University of Oxford itself had done. In the course of the last month the University had passed a Statute on this very subject, after long notice, so that the Government, when they introduced this Bill, must have been well aware of the intention of the University. That Statute, consisting of four parts, had been considered by Convocation. Three of its parts had been unanimously adopted, and the fourth, for the establishment of independent halls, was rejected, not from any objection to the proposal itself, but only because there was a difference of opinion as to the mode of appointing the principals of those proposed halls. He submitted that the Statute, as it now stood, in some respects went further towards extending the benefits of the University than this proposal of the Government, though it avoided those dangers to the discipline of the University which must be the result of this plan. As an evidence of what was really the opinion of the efficiency of these private halls, he would refer to a pamphlet which was familiar to most Gentlemen in that House, and which, although written by an anonymous author, was known to be from the pen of a most eminent authority, he meant the pamphlet that appeared under the title of *Notes on the Oxford*

University Bill, in which it was clearly shown what difficulty there would be to bring the discipline of the University to bear upon the studies of young men at those private halls, and how, in fact, the expenses incurred in those places would most probably not be less than those at present incurred. If this were so, it would overthrow the great argument in favour of these halls, which was, that the expenses in them would be materially less than those at the colleges and halls at present existing; an argument which was contradicted by the opinion of almost every one who really knew anything about the University and collegiate system. The right hon. Gentleman the Member fnr the University of Cambridge (Mr. Goulburn) had stated to the House that it was only a minority of the Tutors' Association, four out of seventeen, who approved of these private halls, but he had not stated to the House the very strong opinion that some of them had expressed on this subject, to the effect that such a system of halls would admit as candidates for scholars men of every variety of character, who would hold out to students all kinds of immunities as to collegiate discipline, which might conduce to win the favour and secure the good will of young men attending the University. He confessed he thought that such a consequence would be much more likely to result from this provision of the Bill than that charitable individuals would be found, who, merely from philanthropy, and with no hope of gain and advantage, would press forward to become presidents of these private halls. Knowing well what the feeling of the leading members of the University was upon this subject, he could truly say that they viewed the institution of these private halls with the greatest alarm and the most serious disapproval, that they thought such halls would materially lower the character of the University, and that nothing could be more fallacious than to suppose that the establishment of the halls would tend either to increase the scope and utility of the University, or in any way advance those liberal notions which the present Government professed so deeply to venerate and propound.

Lord JOHN RUSSELL said, that he did not consider a very fair use had been made of the opinions which he had expressed on the institution of these private halls. He had, on the introduction of the present measure, stated why he wished to stand and adhere to this portion of the Bill; and the views which he had then expressed were the same as he entertained at the present time; namely, that it was most desirable that a larger number of persons, by means of this Bill, should receive the advantage of a collegiate education, and that parents should have an opportunity of giving their sons the benefits which the University extended—at present to only a limited number of students. If this were the opinion not only of himself, and other Members of the Government and the House, but also, as he believed, of the community at large, it was indubitably the duty of Parliament to see how best such opinion could be met. It was proposed that persons who were householders at Oxford, well known, and well approved, should be called in to assist in this object, and the subject had in every way received the most serious consideration of the Government in all its bearings and importance. The system at present in use at Cambridge had been also considered, under which it was very well known that there were many men living out of college and in lodgings who were but in a very slight measure under the control or influence of the colleges to which they professedly belonged. What the effect of such a system was, however, any one might form an opinion for themselves, by reading the evidence of Dr. Pusey on this subject. These means, then, being inconvenient or questionable, the only resource left was the establishment of private halls, which possessed at once most of the advantages and supervision of the present colleges and halls without the necessary entailment of such expenses as were at present all but inevitably found to be attendant upon them. That some system of curtailment was necessary, and could be effected, was made manifest and proved by the testimony of Mr. Colley before the Commissioners, from which it appeared that at Durham the whole expense of a person going through the course of his collegiate career, obtaining his degree, and taking holy orders, amounted to only about 300*l.*; while at Oxford the very lowest sum at which a degree could be obtained, reckoning all attendant expenses, was upwards of 800*l.* This difference was so great that it must have considerable effect on the choice made by a parent of the University to which he would send his son. The question was one not for young men, but for parents. It would, no doubt, be a great temptation to a man of moderate means to send his son to Oxford, if he was sure of finding there a hall where there would be no rivalry of expenditure such as prevailed in the established colleges, presided over by a person respectable in character, of well-known attainments, and well able to maintain its discipline. It was said, however, that if there was a man who would open a hall for gay, thoughtless young men, they would naturally flock to such a place, and the general morality and discipline of the University would be weakened; but those who used this argument forgot that it was not generally young men themselves, but parents and guardians who made choice of colleges; and there would be no temptation to those to send their sons or wards to halls of that description. He thought that if they succeeded in establishing these halls they would have obtained their object of extending the benefits of the University of Oxford without impairing its morality or discipline. He must confess he thought there were evils connected with the University education which neither this nor other legislative enactments which would be entertained by that House would be likely to overcome. There were evils which belonged to the manners of the country, which allowed so much liberty to young men, that it would be very difficult by any discipline to prevent that extravagant and luxurious living which young men of fortune led at our Universities. Much mischief, he believed, was done by their example, and he wished it were possible that these young men of eighteen or nineteen could be kept under more effective discipline in this respect. With regard to the admission of Dissenters, it had always been said that they could not be admitted to the University, because if they were entered at colleges, and distinguished themselves there by their ability, they must naturally obtain a share in the government of their colleges, and thus discord would be introduced in the internal discipline and arrangement of the University. Not being admitted, therefore, into colleges, and there being no other places for them to go, they must continue to be excluded altogether from the University, but if these halls were established, the objection would no longer be good, and the Dissenters might be admitted to them without any of the evil consequences which were anticipated of their admission to colleges. But then it was said, this was admitting them by a backdoor, and that could not be allowed—rather a strange objection from those who had before objected to Dissenters being admitted at all to the honours and emoluments of the University. The result was, however, that at whichever door they sought to admit Dissenters, back or front, hon. Gentlemen opposite were for slamming it in their faces. He was of opinion—and it was no new opinion of his—that Dissenters should be admitted to the University. He believed the University of Oxford was fitted to diffuse great benefits in the mode of education all over the country, much more extensively than it did now, and, as the proposition contained in this clause was one of the modes in which these benefits would be more widely extended, he hoped the House would not agree to the Amendment of the right hon. Member for the University of Cambridge.

Mr. WALPOLE said, that he objected to this clause, in the first place, because they had not left it with the University, who were by far the best judges, to decide what was the best method of extending the blessings of University education, consistent with the promotion of an efficient system of discipline. This objection would have had great weight with him at any time; but when they recollected that before this Bill was introduced, the Universities were actively engaged in promoting a scheme for the extension of University education and for bringing it within the reach of the lower and middle classes, that they were trying to do away with the extravagant expenditure, which was one of the great banes of the University, and that they had already passed a Statute which enabled them to do this to a great extent, he did think it was not fair to force upon them a plan against which they protested as interfering unduly with the collegiate system. With respect to the opinion which the colleges of Brasenose and Christchurch, amongst others, had expressed in opposition to the establishment of private halls, he would quote the following expressions of the Chancellor of the University, which, he said, expressed the opinion of the heads of all the colleges in the Universities:—

> "It appears, indeed, by the Report and evidence, that to the general admission of students unconnected with colleges and halls very strong objections exist."

Thus they had both the Universities and the colleges resisting this plan which the Government were forcing upon them; and still we are told that this is an emancipating measure. He would now call their attention to another object which seemed to him to be fatal to the clause. It was proposed by the 28th and 29th clauses to throw open the endowments and emoluments connected with the several colleges, to be competed for by all the students of the University; and by this clause masters of arts were enabled to take pupils who were unattached to existing colleges and halls. The consequence would thus be, that those persons who were not attached to any existing college or hall, and who did not contribute to any, would have open to them the emoluments and endowments of all. There was no necessity for doing what was proposed. If they did do it, they would be doing that which was opposed by the authorities of the University, and which was considered not only by the authorities of the University of Oxford, but by those of the University of Cambridge also, extremely detrimental to college discipline. Seeing, then, that there was no necessity for this change—that the object which they had in view—the extension of University education—might be obtained without it—he trusted that the Committee would not sanction the proposal which the Government had made.

Sir WILLIAM HEATHCOTE, who rose amid loud cries of "divide," said, he wished to state in a very few words why he should feel it his duty, notwithstanding the weighty observations of his right hon. Friend (Mr. Goulburn), to vote for the experiment proposed. When he looked at the growing population and the growing wealth of the country, and yet saw that the two Universities of Oxford and Cambridge did not matriculate more than between 900 and 1,000 students in the course of each year, it appeared to him clear that there must be a vast number of persons desirous and able to provide such an education as those Universities would give, who were, unfortunately, deterred from doing so by something in their present condition. And when he observed also what had been urged upon the other side, that some of the colleges were not at present full, it appeared to him that they not only wanted more room, but some variety and some change. He believed, also, that they had not yet had pointed out to them what the want really was, and that the only way to ascertain it was to give freedom to persons who would endeavour to supply that want for them. His right hon. Friend (Mr. Walpole) had referred to a certain Statute recently passed at Oxford, as a reason why this experiment should not be tried. That Statute suggested a choice of two or three alternatives, and it contemplated the establishment of halls very much like these, except in one particular. It would facilitate the lodging of the students in private houses in the town, which he thought was by no means an improvement. He thought that the facilities which this clause would afford would lead persons to establish houses with different views, upon different principles, and calculated to meet different descriptions of wants. Wants of different descriptions there might no doubt be—some of wealthy persons, some of poor persons, and some—which he thought had not been alluded to in the debate—of persons who might wish to give their sons an education at the University at an earlier age than they could do if they were obliged to put them into colleges with young men of twenty or twenty-one years of age. He thought that houses might be opened for these—beginning perhaps at the age of sixteen—in which a strict domestic discipline might be maintained, and which might be found very beneficial. For these reasons he thought it highly desirable that some such experiment should be tried, and, in doing it, he did not admit that they would be trying the experiment of "unattached students," alluded to by an hon. Friend. He thought it would be something very different from that. It would be the fault of the University, in making the necessary regulations, if it were not something very different from that; and, feeling that the objections of his right hon. Friend who had spoken in favour of the Amendment failed in their application to the case, he should give his vote for the clause.

Question put, "That the words 'admitted to all the privileges' stand part of the Clause."

The Committee *divided*:—Ayes 205; Noes 113: Majority 92.

Clause *agreed to*; as was also Clause 27.

Lord JOHN RUSSELL said, that, before the Chairman reported progress, and while the House was yet full, it might be well for him to state that the Government proposed to make considerable alterations with regard to the remaining parts of the Bill. The discussions which had taken place on comparatively easy points involved in the measure showed the very great length of time which would be occupied by discussing in detail the numerous clauses which remained. He did not propose at present to enter into any explanation or discussion of the clauses proposed to be substituted; but he would say in a few words that they proposed that the Commissioners should have certain power which, if the colleges agreed to, or unless they dissented from them to the extent of two-thirds, should enable the Commissioners to enact certain Statutes in regard to the colleges. The clauses which he proposed to introduce for that purpose were four or five in number, and the whole of the remaining clauses in the Bill would be fourteen altogether, including all those that were retained, so that the whole number of clauses in the Bill would be forty-two instead of fifty-eight, and sixteen clauses of very great detail would be omitted. It was not his intention now to state the plan proposed, still less to discuss it, until the clauses proposed were printed. What he now proposed, therefore, was either to add these clauses, omitting those that were to be left out, and going into Committee on the Bill afresh, or, if that course should not be thought convenient, to give notice of the clauses, to have them printed, and to let them wait until Monday week, when the Government would propose to consider the Bill again. Perhaps the most convenient course would be to go through the remaining clauses and recommit the Bill, printing all the Amendments already agreed to by the Committee. When the Committee went into the Bill again, there would be an understanding that those parts already discussed would not be rediscussed in Committee, of course reserving hon. Members the right to move Amendments upon bringing up the Report. He should now propose that the Chairman do report progress, and that they should go into Committee on the Bill to-morrow *pro formâ.*

Mr. WALPOLE said, he understood that, generally speaking, the Commissioners were to have power under the Bill of making alterations in the University and the colleges, unless the colleges commenced those alterations themselves. He wished to ask the noble Lord whether a longer period was to be given to the Commissioners to make these alterations, and whether more alterations were to be made than those shadowed forth in the Bill? It would be reasonable, he thought, to have the Bill put into such a shape as that the House should be enabled to judge of it as a whole, and then that they should resume with those parts at which they had left off.

Lord JOHN RUSSELL was understood to say that the Commissioners would have an extension of time allowed them.

Mr. WALPOLE said, that the great objection he had always made to the Bill was that it did not leave sufficient freedom to the University or colleges, and he wanted to know whether, by the proposed alteration, a greater or less amount of freedom would be left to the University and colleges?

Mr. GOULBURN said, he thought they could hardly enter into a discussion of that point until they saw the actual clauses that were to be introduced. He understood the noble Lord proposed to recommit the Bill on the following day, to insert new clauses, and leave out the clauses which he meant to omit, and he (Mr. Goulburn) thought that would be a most convenient course for the House to adopt. All he hoped was, that care would be taken to reprint the Bill so that they should have it as soon as possible after recommittal, and not be driven to examine it within a day or two of the actual discussion.

Mr. DISRAELI said, he thought it would be convenient if the noble Lord would give an answer himself to the question of his right hon. Friend. The noble Lord was aware of the nature of the clauses, but the right hon. Gentleman the Member for the University of Cambridge, who answered for him, was not aware of them.

Lord JOHN RUSSELL was afraid he might be misleading the right hon. Gentleman if he gave a positive answer to his question. He would say, however, as to the clause with respect to the University, and as to the clause respecting the colleges, that in his opinion greater liberty would be given to the colleges, but the right hon. Gentleman might complain hereafter if he misled him.

Mr. HENLEY hoped that due attention would be paid to what had been said by the right hon. Gentleman the Member for the University of Cambridge. They were now asked to consent to alterations in this Bill which, in point of fact, would make it a new Bill; and the noble Lord wished them to go into Committee on the Monday after the recess; but that was scarcely fair, for as they would separate the day after to-morrow, it was not likely they would have the Bill before they separated, and it would not be reasonable to ask the House to go into Committee on so early a day as had been named by the noble Lord.

Lord JOHN RUSSELL: I propose, then, to take the Bill on Thursday se'nnight, instead of Monday week.

Mr. HORSMAN said, he understood that by the proposed alterations the powers of the Commissioners were to be enlarged, and begged to ask if the noble Lord would reconsider the composition of the Commission.

Lord JOHN RUSSELL: We propose to make an addition to the number.

The House resumed; Bill *reported*, to be printed as amended.

The House adjourned at half after One o'clock.

HOUSE OF LORDS,

Friday, June 2, 1854.

Minutes.] Public Bills.—1^a Income Tax (No. 2); Church Building Acts Amendment; Industrial and Provident Societies; Divorce and Matrimonial Causes; Vaccination Act Amendment.

Reported—Consolidated Fund (£8,000,000), (No. 2).

3^a Prisoners Removal.

Royal Assent—County Court Extension Acts Amendment; Boundary Survey (Ireland); Navy Pay, &c.; Manning the Navy.

THE GOVERNMENT AND THE BANK.

Lord MONTEAGLE: I propose to ask your Lordships to call for the production of two separate classes of papers, both tending to explain the present relations between the Government and the Bank of England. The first of these is the correspondence between Sir Robert Peel and Mr. Goulburn, acting on the part of the public, and the Governor and Deputy Governor of the Bank, representing that corporation. These papers are explanatory of the engagements entered into in 1844, with respect to the amount of the balances which, on the revision of the charter, was agreed to be kept at the Bank, and the conditions under which such balances was agreed to be maintained. This correspondence was public, and has been officially referred to in the other House of Parliament; it has, I believe, been already laid before the Commons, and therefore I do not anticipate any objection which can be raised to its production here. The second class of papers is of a different description, and as it is possible that its production at the present time, whilst the subjects which it involves are still unsettled and in controversy, I have called the attention of my noble Friend (Earl Granville) to the question, that if it be inconsistent with the public interest that such documents should be laid before Parliament for the present, he might be enabled to state his objections to my Motion. If he does so on these grounds, I shall fully admit the force of his objection. In matters of financial, as well as of diplomatic negotiation, I am aware that whilst questions are still in controversy, it would be unwise to produce, and therefore it would be improper to call for this information prematurely. We have also been told that the opinions of Crown lawyers have been asked for in relation to the legality of a given mode of proceeding. We are bound to wait till that opinion is given. It is far from my wish to precipitate any disclosure on which hereafter the opinion of Parliament may require to be taken. On the contrary, if it be stated, on the responsibility of the Executive Government, that such information cannot for the present be furnished, I shall withdraw that part of my Motion, being quite willing to concede to our financial department the same confidence which we are accustomed to grant willingly to the Foreign Office. Important as the papers for which I move may be at any time, I consider them to have a peculiar value at the present moment. I shall frankly state to your Lordships my strongest reason for seeking to draw your attention to the subject. New, and, in my mind, most dangerous doctrines have been publicly broached—doctrines which ought not to be allowed to pass without refutation. It has been strongly urged that, as by a notice served on the Bank, in 1855 Parliament becomes entitled to reconsider and modify the existing Charter Act of 1844, the present opportunity should be seized, with a view of enabling us to alter the arrangements existing between the Treasury and the Bank of England. It is proposed that this should be done in order to prepare us for an experiment which I am persuaded would be attended with the utmost danger, both to public credit and to private interests. We are told that "the best remedy that we should look to is that the State should manage its own business itself, that is, by its own servants;" we are told that "no Government should think of borrowing whilst it has an unexceptionable and facile means of making money;" we are further informed that the principle involved is "that of the propriety of transacting the business of the Government through the agency of a joint stock company in preference to the agency of a public department;" and the concession to the Bank of England of the power of issuing a paper circulation is described as "an alienation from the Crown of one of its highest prerogatives." These suggestions seem to amount to no less than this, that not only should the Government sever all connections whatever with the Bank of England, and constitute a Banking Department within itself, but that to this new Government Banking Department should be entrusted the executive public functions of paying the dividends and the various services, civil and military, and the far more delicate duties of issuing a paper currency, and thus acting on the monetary system in its relations with the whole commercial transactions of the British community. I must confess that I view such a proposition with indescribable alarm. I am not aware that history can furnish us with one single instance in which such interference on the part of any Government, at any time or in any country, has been unattended with results the most calamitous—results fatal to the Government which tried the experiment, and to the community whose interests were affected by it. Even in the exercise of one of the obvious and legitimate duties and functions of a State, the coining of precious metals as a circulating medium, it is well known to your Lordships that temptations have often been held out to the rulers of States which they have not been able to withstand. It can be shown that innumerable instances have occurred in which those possessed of authority, when unprincipled and lavish, have made the depreciation of the coin a source of wide-spread calamity, danger, and fraud. Whilst this has been the case, almost universally, throughout the Continent of Europe, it is a just cause of national pride that in this country, since the reign of Elizabeth, England has exhibited a noble example of good faith by adhering to the legal standard of value. If the danger of violating this principle is great in the case of coined money, how much greater and more imminent would it be if the Government should ever be induced to undertake the fatal responsibility of becoming bankers and issuers of paper money? Let us not deceive ourselves into a belief that our free Government would afford us any protection whatever against the probable abuse of such a power. I am not one who doubts the invaluable blessings of free institutions, but I venture nevertheless to suggest as a possibility that a free Government might furnish the most active and dangerous agency for forcing on the Treasury to rash and fatal resolves, if it should unadvisedly undertake the functions of a bank of issue. I believe a Government in such a position would be driven onward to the very measures which wisdom and experience would most strongly deprecate and condemn. Events in our own time lead to this conclusion. It is notorious that when great commercial difficulties have arisen, examples are shown where a pressure from without has compelled the Government of the day to depart from the principles by which they ought to have been guided, and to sacrifice their highest practical duties to some temporary expediency, or to the conciliating of some exigent but partial interest. But the Government might also be influenced by other motives more peculiarly acting on themselves. Many banking and commercial cases of crisis have sprung from political events in which the State, as a State, is directly involved. Such was the case at the time of the Scottish rebellion of 1745. It was again the case, at the outbreak of the war of the French Revolution in 1792 and 1793. It was the case still more strikingly in 1797 at the fatal period of the Bank restriction. These successive dangers and calamities were far more directly connected with political events, than with any acts of the Bank of England. It may be said, and perhaps said with truth, that the Bank had in 1797 by its subserviency made itself a culpable instrument in the hands of Mr. Pitt; but it should also, in justice, be recollected, that the Bank soon perceived the dangers and difficulties which beset its path, and entreated to be relieved from the disgraceful restriction of cash payments. The Government of the day, however, fully appreciated the potency of the instrument it had been permitted to wield; Mr. Pitt was reluctant to surrender the power he had gained, and the Bank restriction was continued. But how much more facile, how much more certain, would such events have been had Mr. Pitt been the banker, as well as the Minister of the State! I therefore must repeat that to permit, or to encourage a Government to issue, and to dispense the circulating medium, could not fail to be productive of incalculable danger. Far is it from me to suggest that it may not be expedient on the part of the Treasury to revise from time to time its money engagements with the Bank of England for the transaction of the public business. If the terms demanded by the Bank can be proved to be exorbitant, let that be discussed as a money question, and let the Government refuse to pay more than is justly claimable. But beware of applying, in the place of a just economy, a new and a dangerous principle, by the establishment of a State bank, a measure dangerous in itself, and which seems, at the present time, to be threatened rather as an instrument of vengeance against the Bank, than as a remedy for any proved abuse. Do not expose to risk both public and private credit, because you are offended with the Bank for dealing with you less favourably than you think you have a right to expect. Dangerous as such a step must be in any country, it is in England that its consequences will ever be the most destructive. It is in the richest and most commercial communities, that the greatest amount of transactions will be carried on by the means of credit. It is in such countries, likewise, that the State is frequently deeply indebted; these are the very circumstances that make any tampering with the currency and the standard of value most fatal in its results; and the power and the responsibility of a Government acting as bankers can only be exercised, as a measure of relief, by the sacrifice of all other classes. Yet this, I am astonished to think, has been advocated by persons who can scarcely have considered, or who fail in comprehending, the inevitable consequences of the measure they recommend.

To adopt such a measure on the ground of any money saving which it might produce, seems to me not merely a blind and mistaken, but a pitiful economy. We should sacrifice much more in our safety and our credit, than we could gain on the ways and means of the year. A saving even of many annual thousands on the interest of deficiency bills, would be far from justifying the adoption of a fatal principle. We are not driven to add to our resources by seeking to engross the profits of money-changers. Adam Smith has in my mind conclusively disposed of this argument in the following observations, which not only state the principle at stake very accurately, but display a most deep philosophical knowledge of our people and our institutions:—

> "A revenue of this kind has even by some people been thought not below the attention of so great an empire as that of Great Britain. Government, it is pretended, could borrow this capital at 3 per cent interest; and by taking the management of the Bank into its own hands, might make a clear profit of 269,500*l.* a year. The orderly, vigilant, and parsimonious administration of such aristocracies as those of Venice or Amsterdam is extremely proper, it appears from experience, for the management of a mercantile project of this kind. But whether such a Government as that of England, which, whatever may be its virtues, has never been famous for economy—which in time of peace has generally conducted itself with a slothful and negligent profusion that is perhaps natural to monarchies, and in time of war has constantly acted with all the thoughtless extravagance that democracies are apt to fall into—could be safely trusted with the management of such a project, must at least be a good deal more doubtful."

It has been the fashion of some of those persons on whose false reasoning I have taken the liberty of animadverting, to urge that because this country is, of all nations in the world, that which is most deeply engaged in vast and varied financial transactions, it should therefore, and on that account, create a State bank for itself. My Lords, I hold, on the contrary, that it is for that very reason it should employ an agency safer and more independent than its own. No Government should undertake a task that can be as well accomplished by private agency, and in a simpler and more natural manner. Still less should a Government venture upon functions which it is ill fitted to execute, in substitution for a commercial body, acting upon sound commercial principles. It has been on this ground, I presume, that the House of Commons has recently declined to permit the Ordnance to become manufacturers of small arms for Her Majesty's land forces. Whether the principle has been rightly applied in that particular instance, it is wholly immaterial that I should stop to inquire. But if it be contrary to public interest that the Government should manufacture Minié rifles, sabres, pistols, or muskets, it must surely be infinitely more disadvantageous that the Lords of the Treasury should appear in the commercial world as bankers, and undertake to perform duties heretofore safely executed by others, and I believe executed on economical terms. People are apt, for the purpose of their argument, to dwell on their estimate of what the Bank receives from us, rather than on the duties which the Bank is called on to perform; and this ignorance is carried to such an extent, that I have lately seen the amount struck off from the payments to the Bank on former settlements with Parliament, gravely set forth as the amount of their present emoluments. The author of the *Wealth of Nations* is more accurate and more just, in describing the functions of the Bank. He observes:—

> "The stability of the Bank of England is equal to that of the British Government. All that it has advanced to the public must be lost before its creditors can sustain any loss. It acts not only as an ordinary bank, but as a great engine of State. It receives and pays the greater part of the annuities which are due to the public; it cir-

culates Exchequer bills, and it advances to Government the annual amount of land and malt taxes, which are frequently not paid up till some years afterwards In these different operations its duty to the public may sometimes have obliged it, without any fault of its directors, to overstock the market with paper money."

Against this latter danger it has been the object of our modern legislation to guard, but it is precisely to this danger that a Government bank would be most exposed. Overissue followed by a restriction on cash payments would be the natural consequences of the establishment of a Government bank circulating its notes. The other privileges, such as that of the legal tender clause, though sources of profit I admit, have been conceded to the Bank of England less for its own benefit than for the benefit of the public. Take as another example, its exclusive power of issue in the metropolitan districts. What was the great principle on which almost all persons were agreed in 1844, however much they might differ on other points. It was on the expediency of approximating, as nearly as might be, to one central bank of issue, having the power of acting on an unfavourable state of foreign exchanges, and not liable to be defeated by any rash or selfish proceedings on the part of competing establishments. It was felt impossible to apply this sound principle universally, or at once. But it was sought to approximate towards it. If the Government were now to set up a second and a rival bank of issue, how could that great principle be maintained. We should run the risk of undoing all that we have previously effected, and should lay down a principle the very reverse of that contained in the wiser and sounder parts of the Act of 1844. The same great writer (Adam Smith), whom I have already quoted, and to whom I allude with confidence and respect, estimates no insignificant portion of our public credit to have been the consequence of our connection with the Bank of England. Comparing the state of the unfunded debt of France with that of England, he attributes much of the difference of value between these French and English securities (which he states to have been no less than 60 per cent), not to our good faith only, but to the useful agency and the independence of the Bank of England.

I have trespassed much longer on your Lordships' time and attention than I could have wished, or anticipated; but having seen the opinions, which I have endeavoured to refute, sedulously pressed upon public attention, and not without an appearance of claiming an official authority, I have not thought it unwise to call your attention to the principle at stake. I do not anticipate, on the part of this House, or of the Government, the expression of an adverse opinion, or even of one differing from my own. I rather expect an assent to principles which I trust are now very generally recognised, and supported by authority and experience. If there existed any intention, however remote, to interfere with the present Charter of the Bank, twelve months previous notice is required to be given, and, according to former precedents, this step would scarcely be hazarded, without an antecedent Parliamentary inquiry. As no such intention has at present been announced, I cannot apprehend any real or imminent danger or just cause for alarm, however active may be the agency by which this wild project is recommended. I now conclude, by moving—

"That there be laid before this House, Copy of the Agreement entered into between The Right Honourable Henry Goulburn, as Chancellor of the Exchequer, and the Bank of England, respecting the Allowances made to the Bank for Public Services:"

And also—

"Copies of all Correspondence which may have taken place between the Government and the Bank in 1854, respecting the Advances required on Deficiency Bills and the State of the Public Balances."

EARL GRANVILLE said, the noble Lord having in his statement referred to him as the Peer whose duty it was to answer a question of this sort, he begged to offer a few remarks to their Lordships. He stated the other day the disadvantage he felt in being placed in answering questions of this kind from the noble Lord, whose past and present official position rendered him so intimately acquainted with all the details of the business of the Treasury. He did not complain of this in the slightest degree. The noble Lord, as a Peer of Parliament, had a perfect right to criticise the acts of any Government or of any noble Lord as he might think proper, but he (Earl Granville) felt that he had some ground for claiming from their Lordships more than their usual indulgence. But the difficulty he had to encounter was completely doubled when the noble Lord, not satisfied with going into what was past and what was present, night after night dived into the future. The speech of the noble Lord reminded him of a story he had heard some time since relating to a learned Judge on the Irish bench. It appeared that the learned Judge was complained against for frequently annoying counsel by interrupting their statements to the jury. On one occasion Mr. Curran was pleading before this learned personage, and was describing to the jury in very forcible terms how his own feelings had been annoyed when, coming through a neighbouring market, he saw a butcher in the act of killing a pig, when the pig, badly wounded, escaped from the butcher, who, with his weapon uplifted, rushed out of the door, when a child suddenly passed by— "And the man killed the child?" said the Judge. "No, my Lord," replied Curran; "your Lordship sometimes jumps too readily to a conclusion; it was not the child, it was the pig." Really, it appeared to him that the noble Lord jumped to a conclusion in a somewhat similar way. About a month ago the noble Lord made a severe attack not only upon the past policy of the Government, but also upon its future policy, and that before the Government had availed themselves of their undoubted right to make an exposition of their views, through the Chancellor of the Exchequer, in the other House of Parliament. Since then—and he (Earl Granville) presumed because the noble Lord had seen that in another place the Chancellor of the Exchequer had stated that he was taking the opinion of the law officers of the Crown upon a point in dispute between him and the Bank of England—the noble Lord gave notice of the present Motion, by which he would urge their Lordships to order a correspondence to be produced which was of a perfectly private character, and that before the opinion of the law officers was known or even given, and therefore before, of course, the Chancellor of the Exchequer could adopt an opinion, whether in agreement with or in hostility to the Bank of England. The noble Lord began by saying that the first paper for which he moved had already been presented to the House of Commons. If it was thought necessary to reprint the document, of course there could be no objection. He was sure, from what the noble Lord had stated, he did not expect the Government to lay the other papers on the table. But then, said the noble Lord, "I think it necessary to state very shortly the Parliamentary grounds on which I found this Motion;" and then, for twenty-five minutes by the clock, the noble Lord took occasion to enter into the question

whether the Government was about to embark in the dangerous experiment—which he, however, presumed they had no intention of doing—of issuing paper money without any condition and entirely on their own responsibility. He had given an answer to the Motion of the noble Lord, and the answer which he had to give to the speech of the noble Lord was, that he was perfectly ignorant of the plan, if any existed, to which the noble Lord had referred, and he believed his Colleagues behind him were equally ignorant of it.

THE MARQUESS OF CLANRICARDE said, the answer which the Motion of his noble Friend had elicited from the noble Earl must be highly satisfactory to all persons in Parliament and out of it who took an interest in the important question to which his noble Friend had referred. He thought that from the noble Earl's speech it might be concluded that there was no intention whatever on the part of the Government to disturb the present excellent arrangement by which the Bank of England exercised the functions given to it by Act of Parliament, and that the scheme which had been very much ventilated and agitated out of Parliament had no sanction from the Government. He thought his noble Friend had done good service in bringing out that avowal, because undoubtedly there was—he would not say strong, he would not say grave—but there was some slight ground upon which a fabric was very speedily and very skilfully raised, with a view of showing that it would be a great advantage if the Government were to absorb what were termed the enormous profits of the Bank. He was of opinion that such a scheme would be most dangerous to the country, and most disadvantageous to all parties. But if these propositions were allowed to be agitated without any contradiction being given to them, supported, as it was alleged, by high official authority on the subject, there was no doubt they might spread throughout the country, and inflict great inconvenience, if not great danger, on the best interests of the State. He had a right to say that there was no intention on the part of the Government to alter the present state of the arrangements between the Government and the Bank of England.

EARL GRANVILLE thought that the noble Marquess, notwithstanding his pledge, had jumped as rapidly to his conclusions as the learned Judge or the noble Lord. The noble Lord had given an elaborate description of a plan for separating the Bank of England from the Government, which, he said, would lead to disastrous consequences, and he (Earl Granville) merely replied that he was totally ignorant of any such plan being in existence, or approved of by the Government. Upon this the noble Marquess jumped up and said that he was satisfied, from this formal declaration on the part of the Government, that they had not the slightest intention ever to disturb, in a greater or less degree, the existing arrangements between the Government and the Bank. Now, he (Earl Granville) begged to limit himself to the statement he had already made, and to leave unfettered the action of the Government in respect to any future arrangements that might be made for the public advantage.

THE MARQUESS OF CLANRICARDE said, that, whatever might be the intentions of the Government at any future period, the clear terms used by the noble Earl gave him a right to conclude that at the present moment the noble Earl was not aware of any intention on the part of the Government to alter the existing arrangements between the Government and the Bank.

LORD MONTEAGLE said, that he had not imputed to the Government the intention of altering the arrangements between them and the Bank, for he was perfectly convinced they never could have entertained such an intention; he had merely said that it had been imputed to the Government that they had some such intention, and his object was to show to those who urged upon the Government to take a step of that kind the inconvenience and danger of the course they recommended.

The noble Lord having withdrawn the latter portion of his Motion, the Motion was *agreed to.*

THE WAR WITH RUSSIA—BLOCKADE OF THE WHITE SEA—QUESTION.

THE MARQUESS OF CLANRICARDE wished to put a question to Her Majesty's Government, arising out of a Report of what took place last night in another place, and relating, in his opinion, to a matter of the very greatest political and national importance. He had read that afternoon, to his great surprise, that the right hon. Gentleman the First Lord of the Admiralty had publicly stated that the Government had come to the determination that there was to be this year no blockade of the port of Archangel. It seemed to him that, if they really had any chance of bringing the war in which they were engaged to a speedy and satisfactory termination, it must be mainly by the force of the fleets and the pressure which we could apply by their means to all parts of the Russian empire, and not by merely military operations, however brilliant. The question of blockade, then, was almost the most important that the attention of the Government could be directed to. On the 22nd of last month it was declared that information, though not official, had been received that an effective blockade had been established in the Baltic; but he was informed that letters had arrived from St. Petersburgh and Riga, stating, that up to the 25th ultimo there were free ingress and egress there for vessels. However, it had been announced by the Government that there was to be an efficient blockade in the Black Sea and Baltic; but the blockade of Archangel was a matter of quite as much importance and comparatively easy of execution. It was generally understood that three of our ships of war had recently sailed to the White Sea, and he considered that they had gone to establish the blockade of Archangel, because three ships of war were amply sufficient for the purpose, the Russians having no force there, and the entrance to the port being extremely narrow. It was true that there was another port of Russian commerce in the White Sea—the port of Onega—but that was only used for the export of timber; whereas, from Archangel was exported all the produce of the northern provinces of Russia, and of a wonderfully fertile territory. It would be easy, then, in this quarter to apply a very important pressure so as to cause the Russian population to manifest to their Government that they felt in a very sensible manner the inconveniences of the present war. He was told about a fortnight ago that information had been sent to Dutch merchants at Amsterdam of the determination of our Government not to blockade Archangel; but he did not believe that any such determination had been come to by the Government or had been announced. But this was certain, because it was known to the whole commercial world, that a great many ships had been chartered by Dutch merchants for Archangel to bring away Russian produce. This, then, would be carrying on war not against Russia, but against British merchants, for while Russian merchants would thus be able to dispose of their produce, and we should be able to get all that we wanted from Holland, the English merchants would be the only parties debarred from the advantages of the trade. He had heard it said, that it would be hard to prevent the people of Holland from getting their usual supply of rye from the northern ports of Russia; but if we did not do so, we should be giving to Russia an advantage which no belligerent ever before gave to another. Besides that, by so acting we should be giving to Holland and Germany a direct inducement for desiring, not a cessation of the war, but its continuance. This was certainly a very mistaken policy. This country must make the war felt by its inconveniences, for it was by that means only we should eventually put a stop to it; for he had no hesitation in affirming as a certainty that, when the Russian population felt the war to be such an evil as it was in the power of this country to make it to them, they would find means to enforce peace upon their Government much sooner than it would ever be established by feats of arms, however brilliant. He trusted, therefore, that he should be told that there was no determination whatever on the part of the Government not to blockade Archangel, but that the utmost power of the country would be brought to bear to damage and impede in every possible way the trade of Russia. He had doubts whether it would not be wise to prohibit altogether the entrance into this country of Russian produce, such as tallow and hemp, which he understood was easily distinguished from the corresponding produce of other countries. This would cause a pressure on the Russian population which they would feel very sensibly.

The Duke of NEWCASTLE: Your Lordships will feel that there is considerable inconvenience in putting questions of this kind without sufficient previous notice; and the inconvenience is greatly increased when the question put has reference to what passed in the other House of Parliament. I have a right somewhat to complain that my noble Friend should have put the question under the peculiar circumstances of the case. I hold in my hand a note addressed to me by him, and dated "four o'clock," which, from accident, was not delivered to me until I arrived in this House. Under these circumstances, I informed my noble Friend that I had been unable to communicate with my right hon. Friend the First Lord of the Admiralty in the other House, and consequently had not been able to ascertain what had really fallen from him. I am, therefore, totally unable to answer my noble Friend's question as to what statement was made in the other House, except from my knowledge of the policy and determination of the Government. I do not complain of the question being put to me by my noble Friend on the ground of inconvenience to the Government, because, as I have often said, there are, in matters of this importance, higher and greater interests than the convenience of the Government. It is of great importance that the public should be accurately informed of the real state of the case, and they are liable to be prejudiced in forming an opinion from the fact of a question being put to the Government to which circumstances render it impossible to give a distinct and categorical answer. I have not had any opportunity of communicating with my right hon. Friend, but I have no doubt that what he said was that Archangel was not at present blockaded. In all probability, the person who put the question to my right hon. Friend was ignorant of the usual course pursued in cases of blockade, or was actuated by the desire of having his name placed in the newspapers as having put a question to the Government on the subject, or he might have answered the question himself, because no blockade is instituted unless a notification has appeared in the *Gazette*, and therefore the hon. Member might have spared himself the trouble of putting a question to my right hon. Friend. My right hon. Friend, I have no doubt, stated that Archangel was not blockaded, and, although I have not been able to learn from himself the extent to which his answer went, he may have added that it had been determined in conjunction with the French Government, for reasons which I cannot, consistently with my duty, explain, not at present to blockade Archangel. How long that determination may continue is a different matter, and I am sure that I shall be excused from giving an answer upon that point. The question has been maturely considered, and, after that mature and careful consideration, Her Majesty's Government and the Government of France arrived at a mutual decision not at present to institute the blockade of Archangel; and I trust that my noble Friend will feel assured that that mutual decision was not arrived at upon light grounds. With regard to the future, I can only say that, if it should be determined to institute a blockade, a notification will appear in the proper form in the *Gazette.* I may also add, that my noble Friend may rely that no blockade will be instituted by the present Government, or, I hope, by any Government, other than an effective blockade, and that there is not the slightest intention, on the part of the Government, of instituting what are commonly called mere paper blockades.

LORD BEAUMONT thought that, on the principle laid down by the noble Duke, that no blockade could be instituted unless a notification had previously appeared in the *Gazette,* it would be impossible to carry on war. He maintained that if any Admiral, instructed to carry on a war, found it conducive to the success of any operation to blockade any particular port, he had a perfect right to do so, although the port might be so situated that it would take a month or two months before a notice could appear in the *Gazette.* [The EARL of ABERDEEN: Hear, hear!] He was glad to perceive that he had not been mistaken, but he had certainly understood the noble Duke to say that a notice must appear in the *Gazette* before a port was blockaded. He must own, that having heard that it was not the intention of the Government to order at present the blockade of Archangel, he deeply regretted such an announcement. He did not ask—indeed he was not entitled to ask—the reasons for such a resolution, but he regretted that any reasons existed to prevent the Government adopting every method for annoying the enemy. To confine the war to one point, and to leave the rest of Russia the power of carrying on its trade, was not calculated to procure a speedy peace, and to act upon such a system was injurious to the country, and also, in his opinion, to the cause of humanity. To procure the advantage of a speedy peace the war ought to be carried on effectively and energetically, and there ought not to be polite notes exchanged between Admirals commanding ships and governors of cities, saying that such and such parts of a city would be spared and that such and such prisoners would be given up. It ought to be left to the judgment of the Admirals in what manner they should carry out the instructions they received, but those instructions ought to be to do as much harm as possible to the enemy.

THE EARL OF ABERDEEN: The noble Lord has, I think, entirely misapprehended what fell from my noble Friend (the Duke of Newcastle) with regard to the validity of a blockade. The case is this, that there is no doubt that any Admiral may establish a blockade in any part of the world in which he may find himself carrying on war; but what is essential is, that, as soon as any blockade comes to the knowledge of the Government, they are bound to insert due notification of it in the *Gazette,* or, if they fail to do so, they render themselves liable to demands for indemnity on the part of those persons who may have suffered loss, or who have been put to inconvenience through ignorance of the existence of such a blockade. With regard to the apprehensions of the noble Lord as to the manner in which the war is to be carried on, he may set himself at rest—he may depend that no war was ever undertaken which was carried on with more vigour or with more determination than this will be, as far as our power admits of it, without, however, acting upon any such horrible notions as firing upon all parts of a town, even upon the hospitals —without any such proceedings nothing will be left undone by the Government to arrive at that conclusion which will best be produced by the vigorous conduct of the war.

THE DUKE OF NEWCASTLE: Perhaps, as it is most desirable that it should not appear to the public that different answers are given to the same question in this and in the other House of Parliament, the noble Earl will permit me to say a few words before proceeding to another subject. I stated, when I answered the question of my noble Friend, that I had not been able to have any communication with my right hon. Friend who made the statement in the other House on the subject to which the question referred; but I have since been in communication with my right hon. Friend, and I find that what I have already stated this evening was in entire conformity with the facts of the case. My right hon. Friend did not say that it had been determined that there should be no blockade of Archangel, but what he stated was, that it was decided that for the present there should be no blockade; that that determination had been arrived at after communication with the French Government, and that no alteration would be come to except by the same means.

THE SECRETARY OF STATE FOR THE WAR DEPARTMENT—QUESTION.

THE EARL OF ELLENBOROUGH said,

he wished to put a question to the noble Earl at the head of the Government relating to a subject which had been brought under their Lordships' consideration by a noble Earl (Earl Grey) on a previous occasion—it was the subject of the constitution of the various military departments to which was intrusted the conduct of the war. There had been for some time reports which had appeared under circumstances which entitled them to great consideration—indeed, to belief—that it was the intention of Her Majesty's Government, after considering the subject, to propose that the office of Secretary of State for War should be separated from the department of the Colonies. If that announcement were true—and he trusted it might prove so—it was to him a subject of great gratification, and he could congratulate the country on a measure which might materially influence the conduct of this war. He would also venture to congratulate the noble Duke now at the head of the two departments—indeed, to offer him double congratulations—in the first place, that he would be able for the future to devote his whole and undivided attention to what was the most important subject that could be committed to any man—the conduct of a war; and, in the second place, that he would escape the annoyance of being connected with the Colonial Department. Upon that subject he must say that, although there should be one Member of the Government to whom solely would be confided the conduct of the war, and who would solely be responsible for all details—for that, he trusted, was understood—still, he did not desire that, at the present moment, any further step should be taken. He thought they had better pause—that it would not do to break up a number of different departments in the State of very great importance, all connected with the conduct of the war, and that it was most advisable at the present moment, when they were in the presence of an enemy, to take no step which was not absolutely necessary—to make no movement in the way of change which was not dictated by clear experience and urged upon them by most important considerations. It would be for the Secretary of State who would have the sole conduct of the war to see whether there was any conflict of authority, and to communicate at once to his Colleagues, and, if necessary, to Parliament, the existence of any obstacle to the execution of those orders which he might think it necessary to give. He (the Earl of Ellenborough) could not doubt that he would receive the full support of his Colleagues and of Parliament, and that it would be the determination of Parliament and of the country that the responsibility of the conduct of the war should rest upon one head, as the power rested in one hand, and that no one, whatever office or position he might fill, should interfere in any manner to impede the public service. It would not do in difficult times to have men in office of whom he might express himself in these terms—"injussu interpretari qui malunt;" indeed, divided authority was as undesirable to a Minister as cordial support was the reverse. While he said that, he must at the same time express a hope that it would not be considered necessary to create any new establishment of civil clerks to carry on the duties of this new department. He had no faith in the public competition of clever young gentlemen who passed a good examination, and who on that account were placed in offices of the highest class. What the Secretary for the War Department wanted was, not an office of civil clerks, but a military staff. Every duty which he had to perform could be better performed by military officers placed under him, having entirely his confidence, selected from the various departments of the service—engineers, artillery, cavalry, and infantry—men who had served in various parts of the globe, and were acquainted with the actual duties of a war; the business could be better managed by them than by any civil clerks it would be possible to find. There would be one other advantage in carrying on the business of the new department by officers of the Army; they might be sure that they would preserve the most absolute secresy. It was a matter of honour with an officer to keep absolutely secret anything that was confided to him. He would also venture to suggest for the consideration of the Government that he thought it would be most undesirable to make any military change that could be avoided; but might it not be advisable to place under the Secretary for the War Department all the military in England, as well as the military abroad? He believed that at the present moment the disposition of the regular troops in England was within the power, not of the Secretary for the War Department, but of the Secretary of the Home Department; and on all occasions where the Secretary for the War Department might think it necessary to send troops to reinforce the stations abroad, it was necessary to communicate with the Secretary for the Home Department, who was in possession of those troops. He might be under a misapprehension on this subject, but he could not but think that it would undoubtedly be most desirable that the military arm of the country, at home and abroad, should be in one hand. He could not omit to say that the Secretary of War could not but consider himself in reality, as he was officially, the head of both services, and competent to dispose of the naval as well as of the military forces of the country. If there should be a diversity of opinion or any disunion between the authorities at the head of the military and naval services, especially in a war which must be carried on by combined operations, the greatest inconvenience and detriment to the public must ensue. He had now to refer to another matter, which concerned more the Members of the Government than the public generally. At the same time, he must say that it would be to him a subject of satisfaction, and he thought it might be conducive to their convenience, as well as to the convenience of the public, if this constitution of a war department were not to lead to the addition of any new person to the Cabinet, or to any alteration in the distribution of official duties. It might be found possible enough for a time—at least as an experiment—to discharge the duties of the Colonial Department with the duties of some other department that was not overburdened.

The Earl of ABERDEEN: The subject that has been adverted to by my noble Friend has for some time engaged the consideration of the Government. The emergency of the time imperatively demands such consideration; but I am not in a condition to explain to my noble Friend or to the House what is the result of the inquiry, and of the consideration that has been given to this subject. My noble Friend has suggested various measures for our adoption. We are obliged to him for furnishing us with his ideas on the subject, and, of course, whatever falls from him naturally deserves attention on the part of those for whose advantage it is uttered; but I will say this, that when the result on this subject shall be arrived at, which will be without any delay whatever, I trust it will be satisfactory to this House and to the country.

House adjourned to Friday next.

HOUSE OF COMMONS,

Friday, June 2, 1854.

Minutes.] Public Bills.—1° Common Law Procedure; Bills of Exchange (No. 2); Police; Literary and Scientific Institutions; Parochial Schoolmasters (Scotland); Landlord and Tenant (Ireland); Leasing Powers (Ireland).
2° Jurors and Juries (Ireland).
Reported—Public Revenue and Consolidated Fund Charges.
3° Excise Duties.

THE IONIAN ISLANDS—NEUTRALITY—QUESTION.

Mr. HUME asked whether ships sailing under the Ionian flag would be considered neutral in the eyes of England and France?

Lord JOHN RUSSELL said, the question with regard to the Ionian Islands arose at Constantinople on an application made to the Consul of Her Majesty at that port that vessels sailing under the Ionian flag should be allowed to trade with Russia. The Consul thought fit to refuse his sanction, and applied to Her Majesty's Ambassador at Constantinople. Lord Stratford de Redcliffe sent the question home; and the Secretaries of State for the Foreign Department and for the Colonial Department were of opinion that vessels sailing under the Ionian flag could not be considered neutral, and that it was impossible to allow them to carry on trade with the ports of Russia. The case was referred to the law officers of the Crown of this country, and they, having had under their consideration the treaty of Paris, were of opinion that the Ionian Republic, being under the protection of Her Majesty, could not be considered as a neutral State, and that the Ionian Republic must take part with Great Britain with respect to the war in which she was engaged, though not bound to carry on active measures of warfare. Such had been the result of the opinion given by the law officers of the Crown; and, therefore, vessels sailing under the Ionian flag were not to be considered as sailing under a neutral flag.

THE WAR WITH RUSSIA—OPERATIONS IN THE BALTIC—QUESTION.

Mr. HUME wished to call the attention of the First Lord of the Admiralty to the reports that were in circulation from the fleet in the Baltic, and asked whether he was prepared to state to the House the nature of any despatches which he had received from the Baltic?

Sir JAMES GRAHAM: The Admiralty received to-day a despatch from Sir Charles Napier, dated the 23rd of May, off Hango, where he was at anchor, with eight sail of the line and some smaller vessels, in the Bay of Hango, at the entrance of the Gulf of Finland. He sends an account of an exploit, which, though not on a large scale, is yet a very gallant feat of arms performed by one of Her Majesty's frigates and a small steamer. It appears that on the 21st of May they heard of three large Russian merchantmen in an inlet about ten miles inland, and placed under the fire of a fortress of very considerable strength. A steam frigate the *Arrogant*, commanded by Captain Yelverton, and a small steamer, the *Hecla*, under the command of an officer very well known to the House and the country—I mean Captain Hall, formerly better known as Captain Nemesis Hall, for his distinguished conduct in China; these vessels proceeded up the inlet, which is very narrow, and the latter part of it under the fire of musketry from a considerable military force on shore. Captain Hall cut out, under the fire of the battery, and within 400 yards of it, the only one of the three merchantmen that was afloat, and brought it off, having triumphantly executed the duty on which he was despatched. Sir Charles Napier observes, that this is an exploit worthy of the British arms in the best times of our naval history. And what must be particularly satisfactory to the House is, that, notwithstanding the doubts that were entertained with regard to the manning of the British Navy, Captain Hall received his appointment only three months ago, and the *Hecla* was one of the last ships commissioned. He manned the ship in a very short time, and with a very considerable proportion of what might be called landsmen. If I had been called on to mention the ship in Her Majesty's service that was least perfectly manned, I should have named the *Hecla*; yet such is the character of British seamen, that the execution of this daring exploit has been performed in a most brilliant and successful manner. Sir Charles Napier adds, that on the following day, in an attack on two forts, the conduct of two others of Her Majesty's ships was very distinguished; and the whole state of the fleet was reported by Sir Charles Napier as most satisfactory. The French fleet had not joined. It was expected to join in five or six days from the 23rd; and by this time I have no doubt the French and English fleet combined are in the Gulf of Finland, forming twenty-eight sail-of-the-line, with frigates and other vessels in proportion.

CUSTOMS DUTIES (SUGAR) BILL.

Order for Committee read; *Instruction* to the Committee, that they have power to make provision in the Bill pursuant to the 4th Resolution of the Committee of Ways and Means, which was reported and agreed to on the 29th day of May last.

House in Committee.

On Clause 1 (Duties on Sugar and Molasses to be levied after the 5th day of July, 1854),

Mr. MOFFATT moved, as an Amendment, "that foreign refined sugar be admitted on the 5th day of July at 16*s.* pe cwt., as provided by Act of Parliament." The difficulties as to the application of this measure were felt to press very unjustly on those principally interested in the question, and he hoped that Government would not urge the Bill, as it at present stood, upon the acceptance of the House. The modifications which had been introduced into the Bill were, no doubt, intended to affect foreign refined sugar, and to act as a protection to home refiners; but they would not, in his opinion, answer any such purpose. At first it was proposed to exclude foreign refined sugar until the 16th August, as a protection to the refiners; but they now proposed a differential duty of 1*s.* 4*d.* per cwt., which was so small that it would not prevent a single hogshead coming in. He therefore proposed that the distinction should be expunged: it would not make a difference of 5,000*l.* to the revenue.

Mr. J. WILSON could not understand for what purpose the hon. Member persevered in his Amendment after the question of compromise had been fairly and virtually agreed on out of doors, both by importers and refiners. He could not see what induced the hon. Member so needlessly to interfere on the subject, and he hoped that the Committee would not entertain the Amendment, which, if carried, would, notwithstanding the statement o the hon. Gentleman, make a considerabl difference to the revenue.

Mr. HORSFALL did not speak on the question the other evening, because h was desirous to ascertain the feeling o those interested before he expressed a opinion upon it. He had since had a opportunity of seeing some of the leading refiners and dealers in the matter, and he was happy to say that they had expressed themselves perfectly satisfied with the proposition of the Government. He should therefore oppose the Amendment.

MR. BLACKETT had received a communication from some of his constituents to the effect that they were very much dissatisfied with the Government proposition. He should therefore support the Amendment.

MR. ARCHIBALD HASTIE said, he believed that the mode of proceeding suggested by Government would give universal satisfaction.

MR. MOFFATT said, that the interests he represented had no desire to avoid a fair share of a war tax, but they did object to be unreasonably or unfairly taxed. The hon. Member the Secretary to the Treasury was mistaken in supposing that the Government proposition gave general satisfaction. He knew that in the City of London it had given very great dissatisfaction. He would, however, if it were the feeling of the House, withdraw his Amendment.

MR. J. L. RICARDO, on the contrary, hoped the hon. Gentleman would press it to a division. He could see no reason why, because we were involved in a war, it was imperative or necessary to alter the relative duties between raw and refined sugar, which were definitively settled during the Government of the late Sir Robert Peel. The mode of proceeding proposed by the Government was, in fact, nothing less than giving protection to foreign refiners in contradistinction to and against British refiners. Such alterations as those proposed might just as well have been made seven or eight years ago as at the present time, and, inasmuch as they were quite unnecessary, he must say that he looked upon them as merely going back to the system of taxation and protective duties upon manufactured articles.

THE CHANCELLOR OF THE EXCHEQUER said, he was very much disposed to agree with the hon. Gentleman who had last spoken, that there was something of the character of protection in what the Government proposed to effect by the measure they were now disputing; but, at the same time, he thought that that protection was diametrically the reverse of what it was represented to be by the hon. Gentleman. The question really was, whether we should give protection to British interests against foreign invasion, and not whether we were giving protection to foreign refiners in contradistinction to and against British refiners. The Dutch refiner paid a duty on raw sugar just as well as the English refiner, but he got that back on the refined, in the shape of a drawback, when exported to this country; and, in fact, it was a very great question, into which he would not pretend to enter, whether he did not get back something more than he had paid on the raw sugar, so as to have an absolute bounty on the transaction. The real question was, whether they would protect the Dutch refiner at the cost of the British, by calling on the British to pay a tax which the Dutch did not pay. The question was, whether for four weeks the moderate allowance of 1*s.* 4*d* per cwt. should continue as a duty on refined sugar imported from abroad, over and above the duty apparently paid. The question might be looked at in two lights. It might either be contended that the arrangement proposed by the Government was unjust in principle, or it might be admitted that it was just in principle, but that, not having been embodied in the Act of 1848, the law ought to remain as it was settled at that time, and the question ought not to be reopened. The hon. Member (Mr. Ricardo) seemed to consider that the arrangement was not just in principle; but he (the Chancellor of the Exchequer) thought it so plain as hardly to require argument, that the British refiner who had to fill his refinery with raw sugar, upon which he had paid duty at a certain rate, was entitled to expect that when he brought his refined sugar into the market he should compete only with foreign refined sugar which had paid a duty proportioned to the duty which his own raw sugar had paid. He admitted that this matter ought to have been settled in the year 1848; but at that time Parliament had great and complicated questions in hand — questions in which much larger interests were involved—and it was really no matter of surprise that, amid the pressure of public business, a question of this kind should for the moment have escaped attention. But then, if it had escaped attention in the year 1848—and if an error of adjustment had been then committed, which bore rather hardly on the British refiner—it surely could not be contended that Parliament had forfeited its right, or, under all the circumstances of the case, was released from the obligations of doing the refiner justice by rectifying its own mistake, and mitigating the pressure upon him. The Government had felt it to be its duty to endeavour to make some arrangement, in order to meet the case; and, having to consult various interests and various claims — the claims of the British producer of raw sugar, of the refiner of sugar from abroad, and the refiner of sugar at home—he did not think that a fairer arrangement could have been made than that which his hon. Friend (Mr. Wilson) now proposed. Although they might not have succeeded in satisfying everybody, yet the testimony which had been borne by the hon. Member for Liverpool (Mr. Horsfall)—whose constituents were more interested in the question than any other class—was a proof that they had succeeded to a very considerable extent.

Mr. HUDSON would support the proposition of the Government as a fair compromise, and hoped the hon. Member would not divide the House.

Mr. MUNTZ said, that though the arrangement might be satisfactory to the refiners, there was great dissatisfaction with the Government proposal among large consumers of sugar, from whom he had received representations on the subject, and if the Amendment were pressed to a division he should certainly support it.

Amendment *withdrawn.*

On the proposition that the duty on yellow muscovado be 12*s.* per cwt.,

Mr. MILNER GIBSON wished to ask on what principle the difference had been made in relation to the duties on raw and refined sugars—whether any new saccharometer had been invented, or the Secretary of the Treasury had discovered that nobody had known until now the relative proportions of saccharine matter which raw and refined sugar contained? Unless this change had been made upon some scientific principle, they were certainly giving an improper protection to the refiner by raising the duty upon refined sugar more than the duty upon raw. Unless some explanation were given he must agree with the hon. Gentleman (Mr. Ricardo) that the Government had made a retrograde step.

Mr. J. WILSON said, the change had certainly been made upon scientific principles, for it had been made in accordance with the rules of arithmetic. If the right hon. Gentleman would make a rule of three sum of it, he would find that the proposed duties of 12*s.* and 16*s.* on raw and refined sugars bore the same proportion to each other as did the old duties of 10*s.* and 13*s.* 4*d.* The same relation subsisted between 12*s.* and 16*s.* as between 10*s.* and 13*s.* 4*d.*—that was, the smaller amount in each case was exactly three-fourths of the larger; so that, in fact, no alteration whatever had been made in the proportion.

Mr. MOFFATT said, the answer of his hon. Friend was based on the assumption that the sugars which the refiner would use would pay a duty of 12*s.* per cwt., whereas there could be no doubt—and he had the authority of men of great experience in the sugar trade for the statement—that the sugar which would go exclusively to the refineries would be that which would be admitted under the new scale at 11*s.* per cwt., so that the hon. Gentleman's rule of three sum was not quite so clear as he made out. The practical effect of this Bill would be to put the whole system of the duties on sugar on a sliding scale, and it was to the great uncertainty which must result from this that the sugar importers mainly objected. He should therefore move the omission of the new differential duty on muscovado sugar.

Mr. J. L. RICARDO also expressed himself dissatisfied with the hon. Gentleman's answer. At present the differential duty in favour of the refined sugar was 3*s.* 4*d.* per cwt.; under the proposed arrangement it would be 5*s.*

The CHANCELLOR of the EXCHEQUER said, the question at present before the Committee was the propriety of proposing a duty of 12*s.* per cwt. upon "yellow muscovado and brown clayed sugar, or sugar rendered by any process equal in quality to yellow muscovado or brown clayed, and not equal to white clayed, according to a standard to be furnished by the Treasury." Did hon. Gentlemen object to that proposition? ["No, no!"] Then, if that proposition were not objected to, he fell back at once upon his hon. Friend's rule of three sum. It was exceedingly inconvenient to be discussing two questions at once; and the proper time to deal with the 11*s.* duty would be when they came to it.

Mr. MOFFATT said, that "yellow muscovado" sugar was of an entirely new description in our market, and he would move, as an Amendment, that the words "yellow muscovado" be omitted from the clause. As regarded colonial sugar, he believed that great inconvenience would be experienced from the passing of this clause. He objected to the proposed mode of determining the amount of the duty by a standard to be furnished by the Treasury, and of charging "yellow muscovado" 12*s.*, and "brown muscovado" 11*s.* per cwt. The tests proposed, he understood, were granulation, colour, and quantity of saccharine matter. But he defied his right hon. Friend the Chancellor of the Exchequer, together with his hon. Friend the Secretary of the Treasury, with all their knowledge of sugar, to distinguish by these tests between any two. The tests were of the most fallacious kind. At present the system was in operation with respect to about 20,000 tons of the sugar annually imported; but, although so limited in its application, it led to great inconvenience, uncertainty, and delay, and to frequent appeals to the Treasury. If it were now extended to the remaining 380,000 tons, these evils would, of course, be very greatly increased. The importers did not care whether the duty was 11*s.* per cwt. or 12*s.*, but they objected very much to the mode in which the duty was to be charged. The distinction proposed to be made would involve a sacrifice of revenue, which was wholly unnecessary, to the amount of 150,000*l.* a year, and it would be giving a premium of 1*l.* per ton to the producer of bad sugar.

Amendment proposed, page 1, line 19, to leave out the words "Yellow Muscovado and Brown Clayed Sugar, or Sugar rendered by any process equal in quality to Yellow."

MR. J. WILSON defended the clause. If they charged the same duty upon sugar which would yield but 40 lbs. or 50 lbs. of refined sugar to the cwt. as they did upon sugar which would yield 90 lbs., it was obvious that the pressure of the tax would be most unequal. A very strong feeling had arisen in favour of refining in bond, and he was not prepared to say that, if refining in bond could have been permitted without involving extensive restrictions and impositions on trade, it would not have been by far the best mode of levying the duties. But, as this could not be done, it was only right to make a difference in the amount of duty, and the arrangement now proposed was, in fact, only an extension of the principle which was already in operation with respect to refined sugars, and which was acted upon also in assessing the duties upon spirits imported into this country above proof and under proof. Government proposed to allow very low sugars to come in at a lower rate of duty than at present, and no objection had been made to the proposal by the trade. On the contrary, the numerous deputations which he had received upon the subject considered the new arrangement nothing but a fair and equitable adjustment of the duties. No doubt there must be difficulties in establishing a standard, and it would be much better for the Custom-House officers if the sugars which were brought over were of uniform quality, so that the duty could be uniformly charged; but as that was not the case, there was no reason why an attempt should not be made to levy the duties as equally as possible. The difficulty of levying the duty had been exaggerated. At first there was a difficulty, but the Custom-House officers and the trade had now learnt to understand each other better. He wished that some arrangement could be come to, to which no objection could be attached, but as that was an impossibility, the present arrangement was offered as the best solution of the difficulty. The principle was not new; it was only extending, for the first time, to muscovado sugars, the produce of our own colonies, the precise principle which in 1848 was applied to brown clayed sugars. He believed that those who were best acquainted with the subject, and who were most deeply interested in it in the colonies, admitted that the proposal was as fair a compromise and as proper a solution of the question as could be made.

MR. GREGSON did not assent to the statement of the hon. Member for Ashburton (Mr. Moffatt) that the importers did not care what the amount of duty was. For his own part, he hoped that a considerable quantity would come in at the 11*s.* duty. Although the consumption of sugar had increased in ten years from 200,000 to 400,000 tons, the total amount of duty was the same upon the larger as it had been upon the smaller quantity. And with respect to price, what had formerly cost 23,000,000*l.* now cost 14,000,000*l.*, consequently there was a saving to the public in the reduction of the price and the duty of 8,000,000*l.* or 9,000,000*l.* a year. They had, therefore, every reason to be satisfied with the position in which they stood; and he thought the proposed increase, from 10*s.* to 12*s.* per cwt., under present circumstances, very moderate.

MR. THOMSON HANKEY said, the

importers of sugar from the West Indies were not indifferent as to whether they should pay 11*s.* or 12*s.* per cwt. As a matter of compromise, the West India body, to get over the difficulty, were ready to try the measure as some approximation to the state of things they desired, in the hope that, if it should lead to inconveniences, the question should again come under the consideration of the House.

Mr. J. L. RICARDO could not separate the two questions of the 11*s.* duty and the 12*s.* duty; and the Amendment proposed aimed at the assimilation of the two. The opposition was not directed to the classification of sugar, but that a new class had been introduced. It would be impossible for any Custom-House officer to distinguish between the different classes to the extent proposed: and the vexation and annoyance which had already been experienced in this respect ought to be a warning to the Government not to introduce new elements of discussion between the importer and the Custom-House officer. It had been said that the 12*s.* duty was now under consideration, and that the 11*s.* duty and the 12*s.* duty ought not to be mixed up in the discussion. Now, he objected to the differential duty between 11*s.* and 16*s.*, which was a larger differential duty than that which existed under the old scale; and he did not think the hon. Gentleman justified in taking the yellow muscovado sugar as his datum line in calculating the differential duty. The differential duty had always been calculated hitherto as between the worst and the best descriptions of sugar, and he thought it was unfair to take an intermediate description and tell the importers that the differential duty was to be between that class and the refined sugar. A fourth class of sugars should not be introduced. but the old classification should be continued; and if this was a war tax, and it was wished to raise a revenue, let the 16*s.* duty be taken as the point on which to go, or have a lower charge, but let the difference between the worst and best sugars be the same as heretofore.

Sir W. CLAY understood the intention of the Government to be this—that the standard of sugar which was to pay the 12*s.* duty should be identically the same as that which now paid the 10*s.* duty. If that were so, the relation between the 12*s.* and 16*s.* duties would be the same as between the present duties of 10*s.* and 13*s.* 4*d.* The Government seemed to him justified in maintaining the distinction between 12*s.* and 16*s.*, while the colonial interest were gratified with the new distinction that had been taken.

Mr. MILNER GIBSON: The hon. Baronet seemed to him to depend upon a supposed assurance of the Secretary of the Treasury, which had not been given. He doubted, indeed, whether the hon. Gentleman either could or ought to give these assurances. If there was one thing more important than another, it was this—that the trade should be dealt with impartially, and that one person should not pay a higher duty than another on nearly the same description of sugar, in consequence of the matter being left too much to the discretion of Custom-House officers. It was not desirable to introduce new classes so slightly distinguished from others that the officers in different ports would differ on the subject of the quality. The distinction ought to be sufficiently broad to prevent injustice being done. Sir Robert Peel fixed three classes, and it was now proposed to break in upon that important principle.

The CHANCELLOR of the EXCHEQUER said, it appeared that two objections were taken to the plan of the Government. One of them was the difficulty with respect to the enforcement of the lower classification by the Custom-House officers, inasmuch as it rested almost on their discretion. The other was the objection to classification upon principle. The right hon. Gentleman said it was difficult to distinguish classes of sugar, and objected to any discretion being placed in the hands of the officers—[Mr. M. Gibson: Too much discretion.] Then it was only a question of degree. What, then, was the simplest mode of dealing with a question which was so full of difficulties, and which was, in fact, only a choice of difficulties? What was the inequality proposed to be got rid of? An inequality which charged at the same rate two samples of sugar not precisely the same, one of them yielding 45lbs. of refined out of 112lbs. of raw, and the other yielding 80lbs. The question was not whether the Custom-House officer might be a trifle wrong, and err about 6*d.* or 1*s.* per cwt., but whether a system should be adopted which would charge the same duty upon two articles, one of which was double the value of the other. They were now dealing with a commodity which entered this country as a raw material, and which had to undergo an important manufacturing process before it could get into consumption; and the question affected not only the home consumption, but the export trade, which was conducted under a drawback. If it were admitted that the refiner ought to pay upon the raw material a duty proportionate to the amount of refined sugar yielded by the raw material, and that he ought to receive such a drawback as would enable him to meet a rival in a third market, then the Government ought to see whether there was any insuperable difficulty in a proper classification. Now, what were the difficulties of classification? No doubt, formerly these difficulties were very serious, and now they were not inconsiderable. As to the "discretion" of the Custom-House officer, the word might be used in two different senses—judgment and caprice. They must trust to his judgment, but not to his caprice. His duty was to verify the conformity of certain sugars to a certain standard given to him. These were difficulties that must be encountered; but they were as nothing compared to the enormous inequality and injustice that would be done by refusing to admit classification. The hon. Member for Stoke-upon-Trent (Mr. Ricardo) had said that the Government were now introducing a new principle, and departing from that laid down by Sir Robert Peel, and by the Act of 1848. Now, that was a mistake, for the Act of 1848 established exactly this classification. But then the Committee were told that the difference between 11*s.* and 16*s.* was too much, and was unfair. But let the hon. Member turn to the Act of 1848, and examine the duties that were levied upon refined sugar imported from abroad, as compared with foreign sugar imported raw. By the Act of 1848, it would be found that muscovado, or any other sugar not equal in quality to brown clayed sugar, was liable to pay a duty of 12*s*, whilst the refined article was liable to pay 17*s.* 4*d.* This principle had been in operation ever since sugar had been introduced into the market upon a large scale, and was a greater difference, both positively and relatively, than was now sought to be established. It was true that that applied to foreign sugar only, and not to British sugars, and that this kind of classification had never been applied to British sugars, but that was the very grievance with which the Government and Parliament had had to deal every year since the passing of the Act of 1848. The refiner had not felt the grievance, because there was a protective duty in favour of the British sugar producer, and when he purchased British sugar of low quality the difference was made up to him by a deduction from the protection enjoyed under the law; but when the differential duty was disposed of, the fund was disposed of out of which that difference was adjusted; and, in dealing with the Act of 1854, they must be prepared to deal with the case of British sugars, either by classification or by refining in bond. By adopting the latter course, it would be necessary to apply a system of excise to a great article of British manufacture; whereas, by the system now proposed, the great refining trade would be set free from every restraint—a trade in which Great Britain was as well qualified to take the lead, and keep the lead over every other nation, as in any branch of trade. He submitted that the proposal of the Government was the best way of encountering those difficulties which could not be altogether overcome.

MR. J. L. RICARDO said, the right hon. Gentleman had stated the difference between two samples of sugar as varying from 45 lbs. to 80 lbs. Now, when the right hon. Gentleman alluded to the 80 lbs., he must be verging hard upon the white clayed sugar. The right hon. Gentleman had taken two extremes, between which there were from twenty-five to thirty different grades to be left to the discretion of the Custom-House officers. The right hon. Gentleman had not answered his objection that the Government were now establishing a larger differential duty than before. The Government were about to propose an additional protective duty of 1*s.*, which, he maintained, was a retrograde step in the legislation of this country.

Question put, "That the words 'Yellow Muscovado' stand part of the clause."

The Committee *divided*:—Ayes 69; Noes 12: Majority 57.

On the Question being put, that the clause, as amended, stand part of the Bill,

MR. HUME rose, to recommend that those who were employed to decide on the quality of these sugars should be persons of good education, that they should have some chemical knowledge, for the fact was, much must be left to their discretion, and men should, therefore, be selected who were qualified to discriminate between the different classes. As this could not be done with mathematical accuracy, there must be irregularities which it was desirable to restrict as much as possible.

Mr. GOULBURN urged the same consideration. Persons with chemical knowledge were appointed in the higher departments of the Excise, but they were still more necessary in the Custom House.

Clause *agreed to.*

Clause 2.

Mr. J. WILSON stated, in reply to a question from Mr. Moffatt, that as soon as this Bill was passed, standard samples of sugar would be put into the possession of the officers of the Customs, and the trade would be allowed every facility for inspecting them.

Mr. THOMSON HANKEY said, it was not enough for the trade to know the standard sample, but it was also desirable that they should understand the mode in which the Customs officers compared the various sugars with the standards. Hitherto, different modes had been adopted at different ports, which was not of so much consequence under the old arrangements; but now that more stringent rules were to be adopted, it came to be matter of great importance that the same duties should be levied on the same samples in every port in England, and therefore it would be necessary that there should be one description of samples at the various ports.

Mr. J. WILSON explained, that some misapprehension had gone abroad, as if colour alone were to decide the duty without regard to the qualities of the sugar. That was not the intention of the Government, and he had introduced some words into the clause to make it clear that the duties were to be levied according to the general qualities of the sugars.

Clause *agreed to*, as were the remaining clauses.

New clauses brought up. Clause being read, abolishing the practice of refining in bond,

Mr. MOFFATT wanted to know why that system of refining in bond was to be abolished? It was done with scarcely any expense to the Government, and he believed it was the desire of many persons in the trade to carry it on.

Mr. J. WILSON said, it was the unanimous desire of all whom he had met that this system should be abolished. It was adopted at a time when foreign sugars were not allowed to be entered for home consumption; but these restrictions were now at an end, and it was desirable that all refining should be on one uniform system.

Mr. HUME expressed his great satisfaction with the arrangement of the Government. He hoped to see the day when every restriction on trade—stamps, Excise, and all—would be removed. He thought Government deserved great credit for this arrangement.

Clauses *agreed to;* House resumed; Bill *reported;* as amended, to be considered on *Thursday* next.

EXCISE DUTIES BILL.

Order for Third Reading read; Motion made, and Question proposed, "That the Bill be now read the Third Time."

Mr. J. O'CONNELL said, he had given notice of a Motion respecting certain drawbacks which had been incorrectly set down on the paper, and he was therefore obliged to bring forward the matter in another way. He now asked for the postponement of the Order of the Day for the third reading of this Bill until after the Whitsuntide recess. By adopting that course, the House would be doing an act of great justice to a large and important class of Irish distillers. The subject would have been brought forward at an earlier period, had it not been thought that the drawback of which the Irish distillers complained would not be persevered in by the Government, and they now asked for a postponement of the third reading of the Bill in order to enable them to make such representations as would induce the Government to reconsider their determination. The objection of the Irish distillers was to the increased drawback allowed to Scotch malt distillers; but he must add that they not only objected to the increase of that drawback, but to the existence of any drawback at all. He considered that the system of drawbacks was inconsistent with the principles of free trade; they had been abandoned with regard to the soap duty, although it was true the duty had also been taken off, but, he believed, had it been continued, the drawback would have been given up. In consequence of the existence of the drawback on soap, the manufacturers in England had been enabled to undersell those in Ireland. It certainly seemed a strange principle to adopt, first to make a man pay money, and then hand it back to him, and, in his opinion, the more simple and rational course would be, to take that only which they meant to keep. The system had been condemned by the House before, a Committee which sat in 1831 having declared that the allowance of a drawback on malt spirits afforded facilities for fraud. On that occasion it had been reduced to 8*d.* per gallon on Scotch, and taken altogether from Irish whisky. He had no doubt it could be done away with altogether without injury to the revenue, and it ought to be discontinued, as it was a grievance which was much felt in Ireland, where, in consequence of its existence, the Scotch distillers were enabled to sell malt whisky at a cheaper rate. He therefore hoped that the Government would consent to postpone further proceeding with the Bill, in order to allow the Irish distillers an opportunity of representing their case to the Secretary to the Treasury. He begged to move, as an Amendment, that the order of the Day for the third reading of the Bill be postponed to that day fortnight.

MR. BEAMISH seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the question to add the words "upon this day fortnight."

MR. J. WILSON said, he hoped the hon. Member for Clonmel would not press his Amendment. The propositions contained in this Bill had been before the House and the country since the 8th of May. The increased duties were at present being collected under a mere Resolution of the House; and, although that was a practice which had been recognised by the custom of Parliament and by the constitution of the country for many years, it was one which ought not to be pursued for a day longer than was absolutely necessary. He did not think it could be maintained that the House and the country had not had full notice of the nature of the Bill; and, although he had seen a great number of distillers and persons whose interests would be affected by the measure, it was only now, at the very last moment, he found that the slightest objection continued to be entertained to the Bill. He had only last week seen a deputation from persons interested in the malt trade between Ireland and Scotland, and he made arrangements which he had reason to believe were perfectly satisfactory to the Irish maltsters. If any ground were shown for supposing that the Bill would operate unjustly, either with regard to the Irish or Scotch distillers, he would readily postpone for the present its further progress, at whatever inconvenience. The Scotch distillers received a drawback of 8*d.* per gallon upon the exportation of malt spirits to England or to Ireland; but the very same privilege was given to the Irish distillers, who received a drawback of 8*d.* per gallon upon Irish malt spirits exported to Scotland or to England. The question really lay between the malt and the grain distillers: as, however, the grain distillers in Scotland had finally acquiesced in this drawback being allowed on malt spirits, he thought the grain distillers of Ireland should also acquiesce. The distillers of the two countries therefore stood upon the same footing, with this exception, in favour of the Irish distillers—that the Scotch distillers had to pay freight upon the spirits they sent into Ireland—a charge from which the Irish distillers were, of course, exempt. He thought, under the circumstances, that it was unreasonable to ask for the postponement of so important a Bill.

COLONEL DUNNE: I think that there would be something in the objection of the hon. Secretary to the Treasury if the proposed drawback had been included in the original Resolutions, but that is not the case. The Bill, as the hon. Gentleman correctly stated, has been some time before the public and the Irish distillers, and they did not at first make any objections. Upon its first reading I stated that I did not object to it, because I had received no instructions to that effect from the distillers of Ireland; but the proposed drawback for Scotland has subsequently been increased, and therefore I think that my hon. Friend is perfectly right in objecting to the measure even in its present stage. The hon. Gentleman says that this is a question between the grain distiller and the malt distiller. He is perfectly right, but I do not see why the Government is entitled to support the malt distillers against the grain distillers. Let each distiller consult the taste of the consumer and take his own chance of success in obtaining a sale. The only reason that can be imagined why the Government should favour the one kind of distillation more than the other would be if they collected revenue only from one; but they collected revenue from both. This proposition is in fact giving to Scotland about 2,000,000*l.* a year, because it is perfectly clear that the exportation from Ireland to Scotland is very small compared with that which takes place from Scotland into Ireland, because the trade of Scotland is favoured; and I do not think it right that the Government should favour any one particular kind of spirits, whether it is made from malt or from grain. I do think, as I said when I last had the honour of addressing the House, that you are pressing duties upon Ireland much too severely. I think that spirits are a very fair and proper subject for taxation, but you may even press that taxation so far as to lose more than you gain, and this I think you will do in Ireland. The Secretary to the Treasury and I had a little difference of opinion the other evening upon some returns which have been laid upon the table—as to the amount and diminution of the quantity of spirits consumed in Ireland—and he quoted from returns to which I had no access at the time. According to all the returns to which we have access he was totally and entirely wrong; and I can show him from his own returns of last year, that while in England, where there was no additional duty laid on the consumption of spirits, it had increased, it had decreased both in Scotland and Ireland to the amount of something over 700,000 gallons. I have moved for returns upon this subject for the last two or three years, and I am perfectly certain that when they shall be laid upon the table they will bear me out. I was not aware, when I last spoke, nor could the Secretary to the Treasury inform me, why it was that there had been—which he asserted to have occurred—an increase in the consumption of Irish spirits within the last quarter ending in April while in the former quarters of other years there was a decrease: but I have since learned the cause. However secretly the intentions of the Ministry are kept with respect to the laying on of taxes, they were in this instance suspected in Ireland, and there have been large sales of spirits during the last quarter in anticipation of the very step which the Chancellor of the Exchequer has taken, and of this duty being raised. That is the reason why the increase in the last quarter has occurred. I do not think that it has taken place to the extent which the right hon. Gentleman imagines; but, whatever the extent, that is the reason of it. The distillers in Ireland, in fact, anticipated what the Chancellor of the Exchequer was going to do, and sales to a very large amount occurred in the last quarter for that very reason. I believe there can be no doubt of that; and I think I could produce proofs of it if necessary. Taking the year, however, in opposition to the quarter, it will be found from the returns, to which every Member has access, that both in Ireland and in Scotland the consumption has decreased, because you laid on a heavy duty, whilst in England it has increased, because you put on no additional duty. I think for the reason that these new drawbacks have not been before the country and the public, and cannot therefore have been considered by them, that my hon. Friend the Member for Clonmel is quite right in the proposition which he has submitted to the House.

Mr. VINCENT SCULLY considered it was a most moderate and modest request that the third reading of the Bill should be postponed for one fortnight, in order to afford time for the case of the Irish distillers to receive its due consideration. He made no doubt his hon. Friend the Member for Clonmel, would not object to limit his request to even one week, which short respite could not occasion any delay whatever to the ultimate passing of the measure, the House being about to adjourn for the Whitsun recess. He could not conceive that any Government would refuse to accede to so reasonable a demand on the part of the Irish Members. The hon. Gentleman the Secretary of the Treasury (Mr. Wilson) had just mentioned that he had recently seen many distillers in reference to the present Bill, but did not go on to say that amongst them there was a single distiller from Ireland. He concluded that those private conferences were held exclusively with Scotch distillers, who were sometimes suspected to possess peculiar facilities for obtaining early information from official departments, and had evidently in this instance stolen a march upon their less vigilant brethren in Ireland. The Secretary of the Treasury had stated that the Excise resolutions were proposed in the House upon the 8th of May, about three weeks since; but it should be remembered that alterations were afterwards made, that several days had passed by before the Bill itself was introduced, and that an additional interval necessarily elapsed before its provisions could be accurately known in the most distant portion of the United Kingdom. The same hon. Gentleman had also asserted that the drawback upon malt was allowed in Ireland as well as in Scotland, and that, therefore, Irish distillers had no just ground for complaint of being placed under any disadvantage in regard to the sale of their own home-made spirits. He did not himself profess to be very full of the subject, but he was in a position to state emphatically that the malt drawback was abolished in

Ireland many years since. He had also been informed that the grossest frauds were resorted to in Scotland for the purpose of obtaining the malt drawback there, by substituting unmalted for malted corn. by disposing to ale-brewers and others of the malt for which brawback had been allowed, and by various other improper means, which had been repeatedly proved before Committees of the House. The unfair contrivances connected with this drawback had enabled the Scotch distillers to undersell the Irish distillers in both markets. The practical result was that, in the year 1852, nearly 1,000,000 gallons of Scotch spirits had been imported into Ireland, whilst during the same period the Irish spirits imported into Scotland were under 16,000 gallons. A very serious injury was thus inflicted upon the Irish grain-growers, and it was therefore not a mere distillers' question. This malt drawback might also be fairly opposed upon the still broader ground that the drawback of 8*d.* per gallon had occasioned an annual loss to the Imperial revenue of nearly 160,000*l.*, which sum was given for the special advantage of those who consumed the superior article, and who could best afford to pay a higher price. The proposed drawback of 12½*d.* per gallon would augment the present temptations to fraud, and would increase the loss of public revenue up to about 250,000*l.* sterling, which the country could ill afford to sacrifice in these war times. That sum was in effect a bonus or bounty paid by the State in order to bolster up small whisky-makers in the Scotch Highlands for the benefit of landlords there, but to the manifest injury of Irish distillers and farmers. This was neither free trade nor fair trade. He trusted that the hon. Gentleman, on the part of the Government, would not feel ashamed to be guilty of a little fair play towards Ireland, and would now gracefully concede to its representatives a very slight courtesy, which could not retard the passing of his measure, but would afford some short time to inquire into its justice or injustice, and to clear up the serious differences expressed that evening upon important matters of opinion as well as of fact.

MR. DUNCAN said, that the reason why the Scotch spirit trade with Ireland was greater than the reverse trade was, that the Scotch whisky being made from malt was better than the Irish, which was made from grain.

MR. VANCE was persuaded that, so long as the system of drawbacks was continued, frauds must be perpetrated; and he attributed to these frauds the circumstance that Scotch distillers were able to manfacture whisky at a lower rate than they could do as fair traders, and send it into the Irish market to compete with Irish manufactured spirit. The city he represented (Dublin) contained many of the most extensive distillers in Ireland, who wished only to be placed upon a fair footing with their neighbours in Scotland.

MR. CRAUFURD protested against the imputations cast by the hon. Gentleman upon the Scotch distillers as altogether unfounded. He contended that the reason why so small a proportion of Irish whisky was imported into Scotland was because the Irish spirit was almost entirely distilled from raw grain, while the taste of the Scotch people was generally in favour of whisky distilled from malt. He did not think any reason had been shown for postponing the third reading of the Bill. He denied that, on the part of the Scotch distillers, there was any fraud committed which could injure the Irish distillers.

MR. COGAN supported the postponement of the measure until after the holidays, in consequence of the discrepancy between the statement made by the Secretary for the Treasury and the representation contained in the petition he presented to the House on the previous day, with regard to the existence of a drawback on Irish spirits—the hon. Gentleman stating that a drawback did exist in Ireland, whilst the petitioners asserted the contrary to be the case.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 61; Noes 32: Majority 29.

Question again proposed, "That the Bill be now read the Third Time."

MR. BEAMISH trusted that, notwithstanding the division which had just taken place, the Government would not press the third reading of this Bill at that moment, but would agree to postpone it until the re-assembling of the House after Whitsuntide. It was very important that the Irish distillers should have an opportunity of stating their case. He moved the adjournment of the debate, and if the Government did not accede to the short delay asked for, he should feel it his duty to go to a division.

MR. HUME said, he could not understand what was the object of the required delay. Did it appear that at the end of a week any new fact would be brought forward? ["Yes."] He certainly should have answered the question in the negative. If there had been anything requiring the Irish distillers to put themselves in communication with the Government they might have done so long since. The Scotch had found time to do so. He was as ready as any Irish Member to do justice to Ireland, but he thought there was no sufficient reason given for postponing the third reading of this Bill.

Mr. FRENCH thought that as the Scotch distillers had been allowed to state their case to the Treasury, the Irish ought to have a like opportunity.

The CHANCELLOR of the EXCHEQUER was very sorry that it was quite impossible to accede to the delay which had been asked. The Bill under consideration was a Bill which did not arise upon any general regulation or adjustment of the trade in spirits, such as last year occupied the attention of the House: it was a Bill of first-rate political and financial importance, having for its object to supply no less than 3,000,000*l.* of taxation for the purpose of carrying on a great and necessary war. The hon. Gentleman (Mr. O'Connell) who made a Motion at an earlier part of the evening, had taken an opportunity—as he was perfectly justified in doing—of raising upon the Bill the question of a grievance upon the part of Ireland. The hon. Gentleman said that the present system of drawback, as regarded Scotch and Irish spirits, was a grievance affecting the Irish distillers. Tho hon. Member was perfectly justified in availing himself of a discussion on a revenue Bill, in order to state a grievance; and he had done so. But his hon. Friend near him (Mr. Wilson) had expressed, on the part of Government an opinion that there was no grievance at all—and in that view it had pleased the House to assent. But the hon. Gentleman had said that the Irish distillers had no opportunity of being heard. To that averment he (the Chancellor of the Exchequer) begged most respectfully to demur. Since the 8th of May, they had as good an opportunity of being heard as the Scotch distillers—nay, he would go further, and say they had been heard. ["No, no!"] Why, he had himself received one deputation at least, if not more, of Irish distillers, during the last Session of Parliament. [An hon. Member: That was another Bill.] The case was the same now as then; and the position of the Irish distillers was not made worse by the present Bill. They were heard last year on the question, and they had had an opportunity of being heard this year. An appeal had been made for delay, and the House had determined by a majority of two to one, that the hon. Members for Ireland had no case. He thought, therefore, he might in his turn appeal to the hon. Gentleman (Mr. Beamish) not to persevere with his Motion in the face of the decision of a large majority, nor avail himself of those forms of the House which certainly ought not to be resorted to on the present occasion.

Mr. MACGUIRE said, the distillers of the south of Ireland were, he knew, most anxious to express their opinions upon the subject, and that they had not done so was attributable to the fact that they were not cognisant of the time when the Bill was to come before the House. He would remind the House that the Irish Members were a small minority of the House, and that, therefore, they were driven to take advantage of its forms in order to impress their opinions on hon. Members. A request not to avail themselves of form, came with bad grace from the Treasury bench. He would also call the attention of the House to the fact that the Irish Members were unanimous in asking for this delay.

Mr. DIGBY SEYMOUR: The appeal for delay was no doubt a very natural one, but after the division which had just been come to, it would be a more dignified course for Irish Members not to further obstruct the measure.

Mr. KIRK had no desire to obstruct the progress of legislation, but inasmuch as there seemed to be something behind respecting the question of drawbacks, he thought the Government would do well to accede to the appeal for delay.

Mr. WILSON said, the suspicion with respect to Scotland was entirely unfounded.

Colonel DUNNE: Although the Resolutions upon which this Bill is founded, were framed upon the 8th of May, yet the arrangement with regard to the drawback, was not made until much later, and therefore the Irish distillers have not had all that time for consideration. The Chancellor of the Exchequer gave us the old argument about the necessities of the war, but he trades too much upon the necessities of the war, and he ought to consider the proportion of duties to be placed upon different parts of the empire totally irrespective of other considerations than the sum each should cost to make up the entire amount required for the purposes of the war. I am perfectly prepared to show the right hon. Gentleman that he is acting harshly towards Ireland, and that we are paying a much larger proportion of taxation than we ought to pay. If he denies that, let him give me a Committee composed of Members from different parts of the country, and I will prove it to them. I proposed this before, but the right hon. Gentleman refused to meet me. We will pay anything that we ought to pay. I am quite certain, that no Irishman refuses to support the war, either with his blood or with his money; but we are not to be proportionately over-taxed, because the Chancellor of the Exchequer chooses to say that the war is just and inevitable. I believe that war is inevitable now, and also, that it is just and necessary. I believe, however, that it might have been avoided, and certainly the Government have no right to trade upon it. I must say, that I see no use in going to a division upon this question, because it is perfectly certain that we shall be in a minority. If we divide, I shall vote of course with my countrymen; but I think that all we can do is, to add this as a fresh imposition to the list of wrongs and grievances inflicted on Ireland, contrary to all common sense and common justice, and to suffer it with patience.

MR. F. SCULLY thought it unfair to put the fair whisky trade in Ireland in a worse position than it was before. The Government would not lose anything by postponing the measure for a week, and as the Scotch distillers had already gained an advantage, he thought those of Ireland might gain something if time were afforded them. He did not approve of a factious course of opposition; but this measure was of importance to Ireland, sufficient to justify them in taking every proper course. He thought, however, the Irish Members had discharged their duty, and if Government persisted in a wrong course, on it rested the responsibility. He thought it better, on the whole, that his hon. Friend should withdraw his Motion.

MR. J. O'CONNELL observed, that no Member on the part of the Government had replied to his argument, that this Bill was against the principles of free trade.

MR. BEAMISH said, he did not like to press his Motion to a division, knowing what the result would be; but he was in the hands of the House.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 23; Noes 71: Majority 48.

Main Question put, and *agreed to.*

Bill read 3°; Amendments made; Bill *passed.*

PUBLIC REVENUE AND CONSOLIDATED FUND CHARGES BILL.

Order for Committee read.

House in Committee.

Clause 1, enacting that charges in schedule A shall be payable out of the Consolidated Fund, and charges in schedule B to be voted,

THE CHANCELLOR OF THE EXCHEQUER said, that as this Bill, though it would, he believed, involve no difference of opinion, was one of great importance in connection with our fiscal arrangements, he was desirous of stating to the Committee its general frame-work, outline, and purpose. In the first place, he begged the Committee to observe that this Bill must be considered in conjunction with certain estimates which had within the last ten days for the first time been laid on the table of the House—he meant estimates of the charges of collecting the revenue in the various great departments. There was, however, one exception to this which the Committee should bear in mind; because the charges with which the collection of the land revenue of the Crown was burdened were not made the subject of any estimate. The reason was very simple:—the House of Commons, or, as he might say, the Legislature—were not in full and absolute possession of this land revenue, or of the estates from which it proceeded; the estates remained the estates of the Crown, and the country had the proceeds of those estates during the life of Her Majesty, upon the specific terms of the Civil List Act. That Act constituted a compact between Parliament and the Crown, and under the terms of that compact the expense of the management of the Crown estates was a deduction made anterior to the payment of the proceeds into the Exchequer. The estimates which had been presented related to what might be called the three great spending departments of the State—the Customs, the Board of Inland Revenue, and the Post Office; and they embraced together a sum of, he thought, not far short of 4,000,000*l.* of money. The whole sum of 4,000,000*l.* did not, he thought, appear in the Estimates, but the gross amount included drawbacks and repayments, which could not be made a subject of estimate. The Committee would perceive that there were certain schedules appended to the present Bill; and in relation to them he would enumerate what were the different descriptions of charges with which the Government had to deal in endeavouring to make this step towards a state of uniformity and simplicity in the mode of handling and accounting for public money—a State which he would not say would be realised by this Bill, but towards which they were, he trusted, approaching. The first class of charges, which was comprised in schedule A, consisted of certain charges and payments upon the revenues of Customs and Excise; that was to say, of certain charges which had been heretofore defrayed, not out of moneys which had come into the Exchequer, but out of those various branches of the revenue before it reached the Exchequer. The Committee should understand that all these charges had been so defrayed with perfect regularity, because they had been defrayed under the distinct authority of Acts of Parliament. It was therefore no correction of an abuse, but it was an improvement in our system of public accounts which the present Bill proposed to effect; the Bill providing that, instead of paying these charges out of the revenue before it was received into the Exchequer, they should become charges on the Consolidated Fund, and, of course, the moneys now applied to pay them would henceforward be paid into the Consolidated Fund in the first instance. One small class of charges, at present defrayed out of the revenue before it reached the Exchequer, was not comprised in schedule A, and the Government proposed to leave it in its present condition, and for an obvious reason. The class to which he alluded consisted of a very limited number of pensions, which under various authorities, were paid to the representatives of various families, who inherited them from times comparatively remote. With respect to these pensions, it appeared clear—at least, this had been the view taken by Her Majesty's Government, and he thought it would be approved by the House—that the best course would be to buy them up and so dispose of them. He expected that, if judiciously effected, this operation would be rather a profitable arrangement to the public than otherwise, and it would rid them of an anomaly attended with some inconvenience. A certain portion of these pensions had been already bought up; in point of fact, he might say that, substantially, the whole matter was concluded so far as regarded the most important pensions; but, from one cause or another, the arrangement in several cases was not yet ready to take effect. Until it did take effect—that was provisionally—he proposed to leave these pensions precisely as they were at present, inasmuch as the Government did not look upon them as permanent charges, and it was not worth while to enter upon new arrangements respecting them. The next great description of charge with which this Bill dealt was that of the expenses of the collection of the revenue. The very large outlay of public money under this head—amounting, he believed, to nearly 4,000,000*l.*—which had heretofore been exempted from the control of the House, would, from the present year forwards, be brought regularly under its control and cognisance. It would be, however, but fair to make two observations on this subject. In the first place, the form of the estimate had been prepared for the present year in the manner that appeared to the Government, upon consideration, to be the best, and he had no doubt that, even if hon. Gentlemen thought it capable of improvement, it would be received with indulgence; but, of course, if it could be improved, either in form or substance, the Government would willingly co-operate in making any improvement upon it that might be devised. In the second place, if it should be found that these estimates added materially to the time which was now occupied in Committee of Supply, a serious public inconvenience might arise, and the House would have to consider of some means of meeting it; but he did not at present intend to propose any arrangement with respect to that subject, as it would be better that we should feel our way a little at first. The great practical advantage which he expected would arise from bringing these estimates before the House was, that a new security would thus be afforded for the performance of its duty by the Executive Government. Although he did not think it possible for the House, on ordinary occasions, to enter into minute details; yet the salutary result which he anticipated from voting money for the public service in this particular form was, that it would keep the different departments of the State up to their work. He believed that this was the important result which would be effected by the change he proposed to make, and upon which he begged to congratulate the House, and especially that hon. Gentleman (Mr. Williams) who had so distinguished himself by his patient recommendations in former years upon this subject, when it was less popular than at present. He had now spoken of the various descriptions of charges with which the Government proposed directly to deal; first, the various charges imposed on the revenue by Act of Parliament, which would be carried to the Consolidated Fund; secondly, the expenses of the collection of the revenue, which would be carried to the votes; and thirdly, the pensions, which would remain at present as they were, as he expected shortly to get rid of them altogether. But, as they had been led in the course of this operation to carry certain charges to the Consolidated Fund, they had thought it was their duty, as a part of the operation, to institute, as far as it was in the discretion of the Treasury to institute, a revision of the charges already upon the Consolidated Fund—for it was his strong opinion that there was no matter in which this House had been more apt to be led into laxity in the discharge of its duty than in that of laying upon the Consolidated Fund charges which it ought not to bear. The practical consequence of their doing so was, that those charges were placed, in some measure, beyond the control of the Treasury, they were forgotten by this House, and there was a great deal of neglect and abuse connected with this part of the public service. He had no proposal to make upon that subject at present, but he thought it would not be a bad arrangement if some mode could be devised by which the House could ensure a periodical attention to the state of the charges on the Consolidated Fund. In many cases the question of whether a particular charge ought to be laid on the Consolidated Fund or presented to the House in the Estimates was a political question of great importance. He would refer as instances to two charges—both from Ireland—the charges connected with the Board of Charitable Bequests, and also to those connected with the College of Maynooth—obviously constituting cases with respect to which it was a most important matter, of high political concern, whether they should be discussed in the Votes or laid upon the Consolidated Fund. He considered that he should have been going beyond the limits of his duty in connection with one public department, if he had proposed by this measure to interfere with any great political questions, and, therefore, in the case of charges involving any great political question, or appearing to involve a question of good faith and of public contract, in which vested interests, which might fairly be so called, were concerned, he had left upon the Consolidated Fund whatever he had found upon it. He might also advert, under this head, to charges of the kind of the salaries of Judges. Of course, with respect to the Judges of Westminster Hall, he imagined that no one, considering the important position they occupied as great constitutional officers, would wish to see their salaries brought into the Votes; but with respect to minor Judges, although there were already certain cases in which their salaries were voted by this House, yet he thought the question was not one that ought to be dealt with incidentally, and as a matter merely of fiscal arrangement; and, therefore, as a general rule, he had left upon the Consolidated Fund all the salaries of Judges which he had found there, although he did not propose that certain salaries of Judges which he had not found there should be placed upon it. There were, however, certain classes of officers who discharged duties that might be called judicial, such as revising barristers, whose salaries it was proposed to take from the Consolidated Fund and place in the Votes. Although the salaries of Judges would be left upon the Consolidated Fund, all the collateral, incidental, subordinate expenses of courts of justice, great and small, they proposed to bring into the Votes—for there was no department in which the control of the Treasury, apart from that of the House, would be weaker and more ineffective than in this. It was, therefore, desirable that the control of the House should be brought to bear upon them. This was the principle upon which the Government had proceeded in the present Bill; they had dealt in the manner that reason and convenience appeared to dictate with respect to those descriptions of charges with which they were obliged to deal; and as the state of the charges upon the Consolidated Fund necessarily came under their review, in so doing they had so far made a revision of those charges as they could make such a revision a matter of fiscal arrangement. The Bill, however, was not intended to alter the actual course of the public disbursements, although it altered the machinery of the public accounts. He now alluded to the matter of provincial payments towards the expenses of collecting the revenue out of funds which were locally collected. They did not propose to make any change in that respect. For example, under one authority or another, the Collector of the Customs at Liverpool at present defrayed, out of the revenue he collected there, both the expenses of the Customs' establishment and other public expenses, such as half-pay, pensions, &c., before it arrived in London; and they did not propose to alter the system, as it would be both an inconvenience and a retrograde step instead of advancing, if they had the money after it was collected transmitted to head quarters, in order that it might then be retransmitted to the provinces. The intention of the arrangement was this—that, although the disbursement would take place locally, as it did now, it would be subject to exactly the same system of account. The account would be made up precisely as it was for all other voted services. He might compare it with the great number of services, the expenses of which were necessarily defrayed in the Colonies by the Commissariat before Exchequer credits had been issued for them; those services were still just as much the subjects of vote in that House as if they had been defrayed by Exchequer grants, but the principle of account was applied to them. With this general explanation he trusted the Bill would obtain the approbation of the House.

Mr. HUME said, the explanation of the right hon. Gentleman was for the present extremely satisfactory; and he was glad to find that the present Government had yielded to the opinions expressed by the House, that the whole revenue ought to be paid into the Exchequer. He trusted that next year the House would be able to revise all the complicated accounts placed upon the Consolidated Fund. He differed from the right hon. Gentleman as to the Crown lands. He thought that by agreement with Her Majesty they were as much placed under the control of the public as the Post Office or the Customs. As for the pensions, the sooner they were cleared away the better. He would suggest that these accounts be referred to a Select Committee of the House, for unless they were submitted to examination and report, the plan would lead to comparatively little good. That course would be perfectly satisfactory, and would greatly save the time of the House. Upon the whole, he congratulated the House upon the progress that had been achieved. They now saw a beginning made towards placing in the hands of Parliament a complete control over the expenditure of the country, and he hoped that in a year or two hence the same system would be extended and perfected.

Mr. GLYN begged to express his acknowledgments to the Chancellor of the Exchequer for the introduction of this measure. He had always been surprised that a matter which seemed so simple and easy had in previous years been so strongly resisted by the Treasury; and he had been only surprised—as long as he had been in Parliament—that the subject to which it related had ever been a disputed question. As the right hon. Gentleman had undertaken these duties in adjusting the fiscal arrangements of the country, would he allow him (Mr. Glyn) to point out another step that might be taken with great public advantage? They had heard a great deal, and perhaps too much lately, respecting the state of the public balances in the Bank of England; and the fallacy which had so generally prevailed as to the large advances which were supposed to be made to the Government had turned out to be almost nothing, and hardly worthy of any comment whatever. It appeared to him that for several years past the financial policy of the Government had always been to have a surplus revenue over the expenditure, in order that at no period should there be any necessity for large advances from the Bank. But the possibility of any advance being required could only arise from the want of adjustment between the receipts and expenditure of the country. Previous to the year 1844 or 1845, the periodical payments of the public revenue were two in a year; but the right hon. Gentleman the Member for Cambridge (Mr. Goulbourn) then introduced a change by spreading the payments over four periods in the year. Still that was not so great an alteration as the amounts of the Government required; and if the right hon. Gentleman the Chancellor of the Exchequer could only manage to throw the payments more equally over the year, so as to make them tally with the receipts, nothing could be more calculated to relieve the circulation of the country, or to prevent all the chances of pressure upon the Bank; this would be one of the most important steps that had ever been taken to ensure the financial prosperity of the country.

MR. W. WILLIAMS considered that the measure now introduced by the Chancellor of the Exchequer was one of the most important financial reforms ever submitted to Parliament. It had frequently been brought forward before, but it had always been opposed by the Government until the right hon. Gentleman acceded to office. This Bill contained fifty-seven items, most of which related to Government departments; and hitherto the expenditure in them had been entirely without the sanction or even the cognisance of the House. The right hon. Gentleman appeared to apprehend that these estimates might occupy too much of the time of the House; but he thought that that difficulty had been much overrated; for he had no doubt that the estimates would be prepared with such care that they would leave no room for fault to be found with them. He hoped he had understood the right hon. Gentleman to say that the provincial expenditure would come into the accounts like the rest; only that the money would not be required to be sent to London and then sent back again? [The CHANCELLOR of the EXCHEQUER intimated assent]. Now he was quite satisfied on that score. For the first time in the history of Parliament the House would have a control over the whole expenditure with the exception of the interest on the debt and some other charges, which amounted to about 2,500,000*l.* a year. He most cordially thanked the right hon. Gentleman for the important step he had taken, and trusted that he would proceed still further in the path of fiscal reform.

MR. HADFIELD suggested that all pensions and sinecures in the Ecclesiastical Courts, the salaries in the Court of Queen's Bench, the expenses connected with the *Regium Donum* and the Ecclesiastical Commission should be brought under the revision of the House.

MR. HUME said, it might be some satisfaction to the country to know that that House had resolved to put an end to all sinecure and useless offices connected with the army and every other department of the State excepting the Church. If the hon. Gentleman (Mr. Hadfield) would look to the Report of the Select Committee upon sinecures, he would find that no pensions could be granted beyond the amount of 1,200*l.* a year voted to Her Majesty for that purpose.

MR. KIRK considered that the *Regium Donum* which had been alluded to was one of the most advantageous payments that could be made from the public funds.

THE CHANCELLOR OF THE EXCHEQUER, said the question of equalising the time of payments and receipts of the Exchequer, as suggested by the hon. Member for Kendal (Mr. Glyn) was a subject of the greatest importance, and was occupying his attention.

Clause *agreed to,* as were the remaining clauses.

House resumed; Bill *reported* without Amendments.

COUNTIES AND BOROUGH POLICE.

VISCOUNT PALMERSTON, in moving for leave to bring in a Bill to render more effectual the police in counties and boroughs in England and Wales, said that the details of the Bill could be seen at a future stage, and that it was unnecessary for him now to dwell upon the advantages arising both to counties and the country from an efficient police. The Bill proposed that in every county a Board should be established under which the police were to be placed; the Bill also provided for more effectual police arrangements in boroughs.

MR. MASSEY said, that if the noble Lord intended to make a police force compulsory in counties, he should oppose such a measure to the utmost of his power.

MR. DEEDES was glad that the present measure had been introduced by the Government, as he considered the whole of the question required looking into. Although he did not agree with those who considered a compulsory police requisite for all counties, yet he would examine the present Bill with every desire to do the best for the interest of the counties and the country.

SIR G. PECHELL objected to any arrangement for the amalgamation of the police of counties and large towns which would interfere with the free action of town councils and other corporate bodies.

MR. FLOYER said, the noble Lord had not told them how the Board of which he spoke was to be composed. If it was to consist of any other than magistrates, it would interfere with the authority of the latter over their own officers. He thought the Bill of last year relating to convicts, and which rendered a larger police force necessary, gave counties a claim for a certain portion, at least, of the police expenses being defrayed from other sources than the county rate.

Mr. THORNELY hoped the Bill would not interfere with town councils in the management of their police.

Lord DUDLEY STUART hoped the Government was not going to extend the provisions of this Bill to the whole of the country. It was desirable that nothing should be done to impair the system of local government.

Sir BENJAMIN HALL supported the Bill, believing it to be right to make the establishment of a police force compulsory, and to amalgamate the police in boroughs and counties. He was sure the Bill would be hailed with satisfaction by the country.

Mr. MICHELL said, that the people in the western part of the country would receive this Bill with very great dissatisfaction, if a portion of the expenses were not paid out of the Consolidated Fund.

Viscount PALMERSTON was aware that this was a subject of great difficulty as well as importance, and one on which considerable difference of opinion was to be expected. No doubt, the best police, if they simply looked to its efficiency as a preventive force, would be a police raised on the principle of the Irish, or the metropolitan police, acting under the orders of Government, and uniform in its organisation and in the principle of its operation; but he attached great importance to the principle of local self-government. He thought it was quite impossible to overrate the great national importance of employing the persons connected with the different districts of the country in administering the affairs of those districts, so far as it was possible to do so. He should be very sorry on that ground to place the police of the country under a separate government and control, like that of London. At the same time he thought there should be an inspection in the different localities, in order to secure something like uniformity of system; because if a different system prevailed between the police of one county and of another, there could not be that efficiency which it was essential to produce. What he therefore proposed was, with respect to counties, that the board should consist, not of the magistrates of counties, as at present, but that there should be an election of a certain limited number of magistrates, by whom the duties would be more efficiently performed. With regard to the boroughs, what he proposed was, that the smaller boroughs, the population of which did not exceed a certain amount, should be so far amalgamated with the counties that the magistrates or mayors of the boroughs should be members of the county board, and that the police of the county and of the borough should be so far combined as that the borough should have their share of the county police, and the county police should have their share of the police of the borough. He should leave the larger towns as they now were, with a police board, composed of the magistrates of the town. He thought the House would see that there was a reason for this; for, though the larger towns might be able to afford an establishment adequate to their wants, yet the smaller towns might not, and therefore he allowed them to participate with the counties. It was quite true, as the hon. Member (Mr. Floyer) had said, that owing to the change in the system of punishments by which convicts were no longer sent out to the colonies as transports for a limited period of years, a greater reason existed for rendering the police more efficient. The measure which he now proposed he hoped would accomplish that object. He should be ready to attend to any suggestions which hon. Members might offer, whose local knowledge must necessarily be greater than his own.

Leave *given;* Bill *ordered* to be brought in by Viscount Palmerston and Mr. FitzRoy.

Bill read 1°.

The House adjourned, at Twelve o'clock, till *Thursday* next.

HOUSE OF COMMONS,

Thursday, June 8, 1854.

Minutes.] Public Bills.—1° Bills of Exchange and Promissory Notes.
2° Criminal Procedure.
3° Exchequer Bonds (£6,000,000).

MINISTER OF WAR.

On the Motion for going into Committee of Supply,

Lord JOHN RUSSELL said: Sir, in moving that you leave the Chair, I will give an answer to the question which the hon. Member for Montrose addressed to me before the recess with respect to the arrangements to be made relative to the administration of the affairs of the Army. I imagine that there are two questions upon this subject which engage the attention of the House—the one is the question of giving more immediate vigour and efficiency to the War Department, and the other relates to the arrangements to be made respecting the administration of all the various departments connected with military affairs. Now, Sir, with regard to the first point, namely, the more efficient administration of military affairs in time of war—it is, I think, to be collected from the general feeling, and it is the opinion of her Majesty's Government, that a Minister having the charge of the Colonial Department—bearing in mind the manner in which the business of that department has increased since the last war—is both physically and morally unable to give to the affairs of the War Department that great amount of attention, time, and labour which those affairs in time of war absolutely require. It is, therefore, the opinion of Her Majesty's Government that the affairs of the War Department, instead of being united to the administration of the Colonies, as they at present are, should be separated from it. The next question regards the administration of the various departments which are connected with military affairs. The House is aware that these departments are several in number, and it is aware, likewise, that one of the principal Secretaries of State as Secretary of State for the War Department, takes the Queen's pleasure with respect to the amount of forces to be kept up for the year—takes the Queen's pleasure, also, with regard to any considerable augmentation to be made, and generally takes from Her Majesty those directions by which the military affairs of this country are regulated. The Secretary at War administers the financial affairs of the Army; the Board of Ordnance has, in the first place, the management of the artillery and the engineers, but it has likewise various other duties to perform which from time to time have been added to it. The Commissariat is a department by itself, and its duties are well known; and there are various other departments which are more or less concerned in, and connected with, the military affairs of the country. Now, Sir, in the year 1831-32 there was a Committee of the Government appointed, of which the Duke of Richmond was the head, and of which I had the honour of being a Member, and that Committee was of opinion that there should be a General Board, which should have the civil affairs of the Army under its control, but divided into different departments—one to lodge the Army, another to clothe the Army, a third to feed the Army, a fourth to furnish arms, and so on. Somewhat later a Commission was appointed, of which Earl Grey, who was then Secretary of War, was the head, and of which, also, I had the honour of being a Member, and that Commission was of opinion—at least, Earl Grey suggested, and the Members of the Commission concurred in the recommendation—that there should be greater concentration of departments, and that the Secretary at War should exercise many of the functions which are now discharged by the Secretary of State. The plan which I have first mentioned did not meet with the approbation, if I recollect right, of Earl Grey, who was then at the head of the Government; at all events it certainly was not persevered in any further. The second plan was laid before the Duke of Wellington, who stated to Lord Melbourne—who was then the First Minister of the Crown—such grave and, I think, such reasonable objections to the placing in the hands of the Secretary at War a control which properly belonged to one of Her Majesty's Secretaries of State, that that plan likewise was not proceeded with. Sir, under these circumstances, Her Majesty's Government are of opinion that the best thing to be done for the present would be to confine ourselves to the change of making a separate Secretary of State for the War Department, confiding to him a superintendence over all those matters which fall under the administration of military affairs in time of war. Having been a Member of both Commissions, I have no hesitation in saying that I was not at all satisfied, after hearing the objections of Earl Grey and the Duke of Wellington, that either of the proposed plans would have ensured the efficient and complete working of all the various departments connected with military affairs in this country. But a Secretary of State would have these departments under his immediate superintendence. He would have the control of the whole of them, and could say from time to time what improvements ought to be introduced, and could either introduce these improvements singly, or prepare some plan to be afterwards submitted to the consideration of the Government as a more general reform of the various military departments. This, I think, is all that it would be advisable at the present moment to attempt. To introduce greater changes — to derange and put into a state of confusion all those various departments at a time when we have but lately entered into a war—would, in my opinion, be a very rash and dangerous undertaking. I have been told, with respect to the most beneficial change which was made by my right hon. Friend the present First Lord of the Admiralty, when he abolished the Navy Board more than twenty years ago, that it took upwards of two years before that change was completely carried into effect so as to ensure the harmonious working of the new system. If that be so, it is obvious you cannot adopt in the first instance an entire plan, without the risk of producing, probably, a great deal more confusion than at the present time, more particularly, is to be wished for, and you would fail to ensure that harmony and unity which are so much desired. There are certain principles which I think should guide us with respect to this subject. It is easy to say, "Unite the various departments." But while there is the greatest benefit in having one head which can control departments and branches of the same kind of service, there very often will be very great disadvantage in uniting in one department what ought to be divided amongst several. The progress which has been made in society in general has been a progress made, not by uniting, but by separating different mechanical arts and manufactures which in early times were united together. Is it not the same with regard to the immediate subject under our notice? If we were to desire the infantry to do the work of the cavalry, and the cavalry to be as complete as the artillery, that, evidently, instead of improvement, would rather produce disorganisation, and prevent the efficient working of those different branches. At the same time, everybody sees that it is unfit that the commander of the cavalry should have a separate command, or that the commander of the artillery should have his own mode of conducting operations, and that it is desirable all should be under one head and one commander. With respect to certain things, unity is desirable. With respect to others, separation is the best way of attaining that end. It appears, therefore, to the Government better to allow the Secretary of State, who is to be placed at the head of this department, to consider from time to time what is the best arrangement, and how improvements can be best carried out. It certainly appears that there are defects, which have been pointed out by my hon. Friend the Member for Montrose, and by others, in the other House of Parliament, as well as in this House, and no doubt very considerable improvements can be made. There is one change, however, which I must say I do not think we can consider in the light of an improvement. I mean the proposal that the patronage which is now vested in the Commander in Chief, and which is administered by him without reference to political considerations, should be taken from him and given to a political officer. I do not think such a change would be likely to give satisfaction to the public. It seems to me far better that patronage should continue to be exercised, as for a long series of years it has been and is now exercised, having regard to the benefit of the Army, totally apart from any considerations of which party is in power or in opposition. These are the only remarks which I have to make on this subject. It will not be necessary to have recourse to Parliament for any Bill to separate the Departments of War and the Colonies. That can be effected nearly in the same manner as the Home Department was separated from that of War and the Colonies. There will be, of course, some increased expenses; but the establishment now found to be sufficient for both departments will be nearly sufficient for them when separated. An Estimate will be proposed for defraying the charges of the Secretary of State for the War Department; and the Secretary of State for the War Department, having his undivided attention given to the affairs of that department—never more important than at the present moment, or requiring more vigour and decision—will be able to serve his country in the manner it deserves.

MR. HUME said, he was glad to find Her Majesty's Government had made a beginning, but he hoped they would lay on the table some more definite statement of what this plan was. He was one who agreed with the noble Lord in thinking that individuals should be placed in a situation to perform separate duties, but united at the same time under one command. He never contemplated altering the powers of the Commander in Chief with respect to patronage, for he believed that the more political considerations were kept out of view in the promotions of the Army the better. What he desired to see was one head—a Member of Her Majesty's Government—who should have the opportunity of being consulted upon all orders that were given. He wished to see the artillery form part of the Army, and no longer be a strange body, unknown to the Commander in Chief. He wished to see men of experience appointed as aides-de-camp, to perform those most important duties, instead of young men of two or three years' standing in the Army, who were too often entirely incapable. The arrangements he desired were arrangements which would not weaken but give strength to all operations. Although he considered the Treasury ought to check and control all departments, he thought it anomalous that the Treasury should have the management of that most important of all services in the field—the Commissariat. There should also be some arrangement with regard to stores. He did not wish to blame the Government, but while the manner in which the artillery and troops had been conveyed to the East was highly creditable to the country, it was utterly impossible there could be that efficiency which under a proper system might have been obtained. He was not dissatisfied with what was now proposed, but he wanted a little more to be done, and the sooner it was done the better. They did not know how long the war would continue, and they ought to be prepared at all points, for now that the country had entered upon war, they had a right to expect operations would be conducted with the greatest efficiency. Unless, therefore, the noble Lord laid upon the table a programme of what would be united and what separated, so as to promote efficiency in the different departments, it was impossible that the House would be satisfied or disposed to vote any money. He wished to ask whether it was correct that orders had been given for altering the clothing of the Army, and whether any arrangement had been made for separating the Ordnance Department from the artillery?

Mr. ELLICE said, it would be very unfair to his noble Friend, who had announced this late change, if they were to mingle with their congratulations any observations which might seem to detract from the expediency of the measure just announced. At the same time, lest general assent might hereafter be taken to imply entire approval of that measure, he must say for himself his noble Friend's statement had fallen far short of satisfying him with respect to the arrangements which were about to take place. He wished, however, to correct one statement of his noble Friend. He (Mr. Ellice) was also a Member of the Commission of 1831, and neither he nor Sir James Kemp concurred in the Report which was made to the Government; and he very much doubted whether his noble Friend himself approved of it—at least, that was his impression at the time. There was, properly speaking, no Report; for though the Duke of Richmond produced the sketch of a Report, it was not sent in by the Commission, but what they generally agreed upon was that with respect to our military establishments there should be one head responsible to this House for the expenditure. He quite concurred with his noble Friend in thinking that it was the last thing to be desired that any political influence should be exercised with respect to the patronage of the Army, and he should be very sorry to see the discretion of the Commander in Chief interfered with by political parties; at the same time it had always occurred to him that whatever recommendations were made to the Crown should be in some respect under the advice and control of the Government of the day. There were various questions about patronage and promotions in the Army, which should be entirely controlled by a Minister responsible to this House for the expenditure of the Army. He would not trouble the House with a history of the anomalies on this subject, such as the Secretary at War being made responsible for departments over which he had no control. What he submitted was, that there should be one superintending authority to control the parties having the management of different details. If it was intended that the new Secretary of State should only be employed in time of war, then, indeed, they would have made very little progress in improving their military administration. If it was intended to be a permanent office, not only to transact all affairs connected with military operations, but to conduct and be responsible for the whole military administration of the country, then he could see no reason why that Secretary of State should not be responsible for the whole administration, whether by the Master of the Ordnance, the Commissary General, the barrack master, or the officer who supplied the clothing. What he wanted was to have all those parties responsible to the Secretary of State, and the Secretary of State responsible to the House of Commons, so that the control of the House of Commons should be much greater over the military expenditure, for which they had to call upon the people to submit to taxation. The Commissariat was managed, as he thought most improperly, by the Treasury. But in making that statement he would guard himself from being supposed to think that the banking part of the Commissariat should not remain with the Treasury. It was essential that the Treasury should control the whole expenditure of the country in every department, and in order to enable them to do that, they must not be undertaking the expenditure in detail of any one department. What the House appeared to him to desire, what all the Commissions had agreed upon, what all the Committees had always insisted upon, was, that there should be one authority, not to undertake the administration of the various departments, but one authority to which all those various departments could report and refer, and who, being the head of the military administration of the country, should be responsible to that House. He quite agreed with his noble Friend that they ought not to act hastily, without due caution, or without due preparation. If the Secretary of State now appointed was to have the power by degrees, as he saw expedient for the benefit of the public service, to bring into subjection to his own department such details of the administration as appeared to him might be better managed under such control, then he should be perfectly satisfied; but if, on the other hand, it was intended, for carrying on operations during the war, to appoint only a temporary officer (because he hoped they might look forward some time or other to the re-establishment of peace), then he did not think the country would be satisfied with this change.

Mr. RICH said, that the proposal of the noble Lord had met with such general assent, that it would be unnecessary for him to move the Resolution of which he had given notice, declaring that the several departments for the administration of the Army required to be consolidated, economised, and simplified. He knew no possible ground why the Commissariat should be connected with the Treasury, and it was a notorious fact that it was the most expensive and ill-conducted of all the public departments. He rejoiced at the change which the noble Lord had intimated, and which the House had so well received, and he was prepared to give it every support.

Colonel DUNNE said, he considered that much would depend upon who was to be the War Minister. He should wish him to be a military man, but he supposed a Minister of the Crown, who was also a member of the military profession, could not always be found. He did not think the Army had been sent to Turkey so efficiently as the country had a right to expect, and the Commissariat was extremely faulty. He believed at the moment the troops were moving on Varna they had no guns larger than six-pounders, the heavy artillery having only just left Woolwich.

Mr. MILNER GIBSON said, he wished to know whether the new Secretary of State would sit in the House of Commons?

Lord JOHN RUSSELL was understood to say, that two Secretaries of State would always sit in the House of Commons, and that the Secretary of War would be competent to sit there.

Motion *agreed to;* House in Committee, Mr. Bouverie in the Chair.

SUPPLY—MISCELLANEOUS ESTIMATES.

(1). 135,863*l.* Royal Palaces and Public Buildings.

Mr. W. WILLIAMS said, he saw that the Vote included a sum of 2,000*l.*, for replacing the present decayed farm buildings in Windsor Park. He presumed that these were the buildings in the occupation of His Royal Highness Prince Albert; and he thought that if His Royal Highness paid neither rent nor taxes, the cost of keeping such buildings in repair ought not to be paid by the public. He objected, also, to the public being charged, as they were in these Estimates, with the expenses of the offices and staff of the Ecclesiastical and Tithe Commissions. Such charges were most unjust, considering the immense property of the Church. He also observed that there were no less than eight cathedrals and abbeys kept up in Scotland at the public expense.

Mr. J. WILSON said, His Royal Highness Prince Albert paid for the farms which he occupied the same rent as would be charged to any ordinary tenant, and the amount of that rent was carried to the public credit. His Royal Highness, it was well known, was a great improver, and had carried "high farming" to a point of great perfection; but whenever he had proposed substantial or permanent improvements, and those improvements had been carried out, they had been paid for in the same way as they would have been in any other case, one half by the Crown, as landlord, and the other half by His Royal Highness, as tenant. He thought that, upon the whole, they were rather more strict in dealing with His Royal Highness than they were with an ordinary tenant. With reference to the other observations which the hon. Gentleman had made, he could only say that if Commissions were appointed for important public purposes, they must be provided with offices, and those offices must be furnished. With regard to the abbeys and cathedrals in Scotland, mentioned by the hon. Member, they were kept up as specimens of the architecture of their respective ages, and he believed there would be a very general disinclination to allow them to fall to ruin.

Mr. SPOONER inquired what was the number of acres which His Royal Highness Prince Albert occupied, and in respect of which this 2,000*l.* was to be expended?

Lord SEYMOUR said, as the arrangement with his Royal Highness was made when he was at the Board of Works, he might perhaps be permitted to explain that, with respect to the farms which Prince Albert occupied and farmed, he was treated in precisely the same way as any ordinary tenant of the Crown; but that with respect to the dairy farm, that was considered an appendage to the Castle, which ought as much to be kept up as the kitchen or any other part of Her Majesty's establishment. He imagined that this 2,000*l.* was required in order to carry out a plan which was in contemplation when he was in office, for putting the buildings on the dairy farm into suitable condition. Their state was certainly not such as any nobleman would like the buildings on his own dairy farm to be in.

Sir WILLIAM MOLESWORTH said, that this sum of 2,000*l.* which was now asked for was required for the purpose of completing the new farm buildings on the dairy farm, as stated by the noble Member for Totness (Lord Seymour).

Mr. SPOONER said, he quite agreed with the noble Lord that the dairy farm was an appendage to the Castle, and had no objection whatever to its being made as perfect as possible; but the explanation just offered differed very materially from that which had been before given by the Secretary of the Treasury.

Mr. J. WILSON said, the explanation was this. Improvements on the dairy farm were paid for wholly by the public; on the other farms His Royal Highness paid one-half, as any other tenant would do, and the public paid the other.

Mr. HUME said, he considered the reference of the Estimates to a select Committee as the only effectual means of bringing them into a satisfactory state. This year the Miscellaneous Estimates alone amounted to 5,000,000*l.*, while Mr. Pitt's Estimates for 1792-93, only amounted to 5,256,000*l.* for Army, Navy, Miscellaneous, in short, for every charge but that of the debt. However, taking this Vote as it was, he found a charge of 595*l.* for the Military Knights' houses at Windsor Castle, although it was stated that there were several thousand pounds which ought to be applicable to that purpose; a charge of 4,694*l.* for liabilities incurred under the Act 11 and 12 *Vict.*, for improving the approaches to the Castle and town of Windsor, although no less a sum than 85,000*l.* had been paid by two railway companies, which ought to be available for carrying into effect the provisions of that Act; charges for the British Museum and for the Royal Mint, although there was a separate Vote for each to be afterwards proposed; and no less a sum than 20,158*l.* for the rent of houses occupied as public offices, although there was a piece of ground in Downing Street which had remained unoccupied for years, and upon which, with other property adjoining, for which an estimate had been obtained, he believed that buildings might have been erected at a very moderate expense, according to a plan which had been laid upon the table of the House, and all the different departments of public business have been brought together under one roof.

Sir WILLIAM MOLESWORTH said, he must explain that of the 4,694*l.* proposed to be paid in discharge of liabilities at Windsor the first Vote of 2,664*l.* was mainly for professional services performed antecedently to the passing of the Act; the other sum of 2,030*l.* was required to put the roads in proper order before the charge of maintaining them could be transferred to the respective parishes, and, he believed it would be the last sum that would be asked for for that purpose. He quite agreed with his hon. Friend that the private houses which were rented by the Government and used as public offices were unfit places for the purpose, and that great advantage would result from bringing the different departments together into one suitable building. He had caused plans to be prepared, and should be happy to propose that they should be acted on, if he could prevail upon his right hon. Friend the Chancellor of the Exchequer to sanction the necessary expenditure.

Lord SEYMOUR said, he thought, as the expense of the Post Office and Custom House Establishments were for the future to be the subject of Vote, it would have been well if the amounts required by those establishments for the repair of their public buildings had been included in the present vote. He had heard with great pleasure the opinion expressed by his right hon. Friend against the occupation of private houses as public offices, for he felt that such places were not only most inconvenient, but that they involved the employment of a large number of persons as messengers and doorkeepers, and in other subordinate capacities, whose services might easily be dispensed with, if the various public offices were grouped together and brought under one roof. The arrangement, therefore, would lead to a considerable saving of expense.

Mr. J. WILSON said, that the Bill for effecting the proposed change in the Revenue Departments not having yet become law, the Votes for repairs in those departments could not be included in the Estimates which were now before the House. Next year the course suggested by the noble Lord would be adopted.

Vote *agreed to.*

(2.) 19,437*l.*, Buckingham Palace.

Mr. HUME said, that something like 1,500,000*l.* had been expended on Buckingham Palace, and he should like to know of this was to be the last vote on account if that building?

Sir WILLIAM MOLESWORTH said, the sum now asked for was a portion of a former vote, and he hoped it would include all that was necessary to be done to that building.

Vote *agreed to.*

(3.) 66,585*l.*, Royal Parks, &c.

Mr. EWART said, the public had the advantage of admission to Bushy park and gardens; but there was a large park of several hundred acres in extent, called the Home-park, which was totally unused except by the deer. He could not see why it should not be thrown open to the public. Richmond Park had been recently fully opened to the public, and he saw no reason why the Home Park at Hampton Court should not be placed in a similar position. He understood that at present only a few privileged persons had the right of *entrée* to it. It would also be a great improvement to restore the ancient fountain in Bushey Park, which, besides being an ornament, would remain as an historical memorial of the times of William III.

Sir WILLIAM MOLESWORTH said, with regard to the park alluded to by the hon. Member, there were certain rights of the ranger connected with that park recognised by Statute, and he did not see how they could be controverted. He would, however, consider if anything could be done in the matter. He believed the restoration of the fountain would be attended with considerable expense.

Mr. KINNAIRD said, he trusted that on the appointment of the new ranger an entrance to the park would be secured to the public.

Mr. HUME said, he thought every park to which the public money was voted should be thrown open. There was an item of 11,002*l.* for the Royal Botanical Gardens and Pleasure Grounds at Kew, which, under the superintendence of Sir William Hooker, had been very greatly improved. During last year there had been 331,210 visitors to these gardens, and no one could doubt the great benefit which had been conferred upon the public by their unrestricted opening. He highly approved of throwing open Kew Gardens on Sundays, and any person present on such occasions could not fail to be struck with the orderly and decorous conduct of the thousands who visited them. He should be glad to see all public places thrown open on a Sunday, as he believed it was the most humanising and instructive course of proceeding that could be adopted.

Sir GEORGE PECHELL said, he had frequently witnessed the happy results which had accrued from the unrestricted opening of the gardens at Kew and the Palace at Hampton Court. With regard to the fountain in Bushey Park, he had naturally supposed that the sum of 1,200*l.* granted under that head last year, and 1,900*l.* asked for now, had some reference to repairs going on for the purpose of restoring that magnificent work of art. The subject had been referred to no less than fifteen years ago, and at that time Mr. Gordon, who was then Secretary to the Treasury, promised that the restoration should be attended to.

Mr. W. WILLIAMS said, he wished

to call the attention of the Committee to the large sum of 13,866*l.*, for keeping St. James's Park, the Green Park, and Hyde Park in repair. He wished to know whether of the sum of 66,585*l.* for the Royal Parks and Pleasure Gardens no portion was taken from the Crown lands?

MR. J. WILSON said, there was a large increase in the Civil Service Estimates from year to year, but there was a constant process going on of paying into the Consolidated Fund the revenues and fees which had in former years been expended on the parks. The receipts from the various parks amounted to 5,220*l.* With regard to this Vote, every source of income was paid into the Exchequer, and every portion of the expense was voted by the House.

SIR WILLIAM MOLESWORTH said, the increased expense for the parks arose from the increase in the price of materials and labour. It was necessary also to employ a considerable number of officers for the preservation of order.

LORD ROBERT GROSVENOR said, he trusted the right hon. Baronet would turn his attention to the subject of the fountain at Bushey Park. A work like that ought not to be destroyed for want of sufficient repairs.

SIR WILLIAM MOLESWORTH said, that, with regard to the fountain in Bushey Park, he would have a new estimate made of the cost of restoring it, but while some hon. Members were calling for these improvements, others were complaining of the expense.

Vote *agreed to.*

(4.) Motion made, and Question proposed—

> "That a sum not exceeding 141,294*l.* be granted to Her Majesty for Works and Expenses at the New Houses of Parliament to the 31st day of March, 1855."

MR. WILSON PATTEN said, he wished to inquire whether any settlement had been come to with Sir Charles Barry, for superintending the works at the Houses of Parliament?

MR. J. WILSON said, that the whole circumstances of the case had been gone into, and the Treasury had come to a conclusion as to what would be a fair amount of remuneration. A communication had been made to Sir Charles Barry on the subject, but he demurred, and there the matter stood at present. He understood that Sir Charles Barry was preparing a statement in support of his own views.

MR. HUME said, he hoped the Government would not consent to pay Sir Charles Barry anything until the accounts were made up. Before a stone was laid the Committee, over which Sir Robert Peel presided, came to the conclusion that 25,000*l.* should be paid in the shape of remuneration, in order to remove any inducement to increase the estimated expenditure, and each of the competing architects who sent in plans was furnished with a copy of that decision.

MR. WILSON PATTEN said, he would be glad to know what sum had been paid to Sir Charles Barry?

MR. J. WILSON said, that speaking from recollection, he believed about 40,000*l.* The original estimate for the works, included in which Sir Charles Barry was, as arranged by Lord Besborough, to receive 25,000*l.*, was 600,000*l.* or 700,000*l.* Upon the additional work, Sir Charles Barry had been paid a commission in a proportion similar to that arranged for upon the original estimate.

MR. WILSON PATTEN: Is there any work unmeasured or unsettled?

SIR WILLIAM MOLESWORTH said, that all the work was measured up to the end of last year, and he believed that as the work had been completed since, it had been measured and paid for.

MR. HUME said, that the additional sum paid to Sir Charles Barry had been paid contrary to agreement, and the Chancellor of the Exchequer ought to be called upon to refund it. He must complain that much expense was caused by the architect building, and then pulling down and rebuilding portions of work. It was his belief that the Houses of Parliament would not be completed in his lifetime.

THE CHANCELLOR OF THE EXCHEQUER said, he could not acknowledge that any blame was due either to himself or to his predecessors for anything defective in the arrangement for the construction of the New Houses of Parliament. It must be remembered that Parliament had never effectually committed the responsibility for these works to the Executive Government. For himself, he wished it had. Last year a desire had been expressed that a final estimate should be prepared, and a communication was made from the Treasury to Sir Charles Barry, requesting that such an estimate should be made. The Government were not yet in possession of that estimate; but it was only justice to Sir Charles Barry to state that his serious illness must have caused the delay. He agreed that it was desirable to know the end of this expenditure. It might be thought at first sight that 40,000*l.* was an extravagant remuneration to the architect, but a little consideration would show that that sum was greatly below what Sir Charles Barry was entitled to claim. It was now twenty years since the fire, and the new works had been spread over nearly that number of years. It must not be supposed that the sum paid to the architect could be regarded as net profits or receipts. Sir Charles Barry was subject to very heavy expenses, and he believed that his outgoings in the New Houses of Parliament for establishment and assistants averaged from 1,200*l.* to 1,500*l.* a year. If the Committee applied that sum to the number of years during which this expenditure had been going on, they would see that it amounted to a very large sum. The hon. Member for Montrose (Mr. Hume) was incorrect in saying that Sir Charles Barry was paid for pulling down and altering his own work. A great deal of work had certainly been undone and done over again, but many of the changes that had been made in that, and especially in the other House of Parliament, had been undertaken against Sir Charles Barry's opinion, and had exposed him to much additional labour. He understood that the various alterations made had compelled the architect to undertake three times the labour of the reconstruction of his design—an amount of toil which very few Members of that House were able to appreciate.

Mr. W. WILLIAMS wished to know upon whom rested the superintendence of the expenditure, and begged to call attention to the fact that Mr. Gurney had expended but 80*l.* in removing the apparatus of Sir Charles Barry and Dr. Reid for ventilating the House which had cost 240,000*l.*, and had by doing so made the House healthy, and effectually ventilated it.

Lord ROBERT GROSVENOR said, that it was not fair to lay to the charge of Sir Charles Barry this expenditure of a quarter of a million for ventilation, because he had strongly protested against the adoption of Dr. Reid's system. There was no doubt a large outlay had been made for works which had been subsequently altered in the construction of the House. For instance, it had been found absolutely necessary to reconstruct a great portion of the lobbies and to make many improvements in the interior; but those prior works were in the nature of experiments, which were found inefficient; and, considering the House a national monument, he did not object to seeing it made a building worthy of the nation. He agreed that it was desirable to have a final estimate, but he should not be surprised if that estimate were found to be much larger than had been anticipated; for he thought, when the House was finished, nobody would be satisfied with the south side of Bridge Street, and other places, including the courts of law, immediately adjacent to the building. He thought some accommodation for sheltering the horses of Members was very desirable, and hoped that object would not be lost sight of.

Mr. SPOONER said, they had heard the Government had no control over the works. Who, he asked, had any control if they had none? They were going to vote away a considerable sum of money this year; and was the same kind of thing always to go on without any responsibility attaching to the officers of the Government, or any others, in respect to the expenditure of that money? He hoped they would have some direct answer from the Government as to who, in future, would have the control; for last year, when the Secretary of the Treasury was pressed upon the subject, after admitting the accounts were in a very unsatisfactory state, he promised they should be fully investigated before the Estimates for this purpose were laid on the table; but now there was a complete renunciation, on the part of the Government, of any responsibility whatever.

Sir WILLIAM MOLESWORTH said, the Office of Works had carefully examined the matter. No works now remained unmeasured, but, as the work went on, the account was sent in to the Office of Works, and paid; therefore that office was responsible for the amount executed, but they did not determine what should or should not be done.

Mr. SPOONER said, the right hon. Baronet had not exactly answered the question which had been put to him. He had told them all the work was measured out; but he had been asked if it had all been paid for, and, if not, whether the present grant would pay for it?

Mr. J. WILSON said, that a long correspondence on the subject of the accounts had been laid on the table; and, since that time, the rule laid down was, that Parliament should decide, every year, what sum of money should be devoted for specific works, and that it should not be left to the discretion of the architect or any other person to employ the money for any other purpose. That was the principle upon which they were now acting.

MR. HUME said, he thought the best course for the Committee to adopt would be to postpone the Vote until a Committee had been appointed and sat to ascertain who was really responsible. With the assistance of the paper named, and having before them the particulars of what was intended to be done in order to complete the building, they ought to be able to ascertain the probable cost. He thought that they would never act properly unless they dealt with the House as if it were private property, and he should vote against the grant of a single shilling until he knew who was responsible for its proper expenditure.

MR. KINNAIRD said, he begged to ask if it were true, as had been reported, that Sir Charles Barry had been requested to give in designs for the new bridge, so that it might be constructed in unison with the architecture of the House; and, if so, whether any agreement had been made with Sir Charles Barry as to his remuneration?

SIR WILLIAM MOLESWORTH said, the bridge had been intrusted to the engineer of the Department of Works, and Sir Charles Barry had been so kind as to give him his opinion of the design of the work. No agreement had been made with Sir Charles Barry, but he had furnished a design, so that, if possible, the architecture of the bridge should be in harmony with the Houses of Parliament.

MR. AYSHFORD WISE wished to call attention to the stone work on the terrace and walls, which was in a very defective state. He did not object to the Vote, but wished that in future no stone should be used except that which had been inspected by proper authorities.

MR. BELL said, he had been informed that no proper precautions had been taken to procure the selection of good stone, which could only be done by sending persons to the quarry to examine each block. A very slight inspection of the base mouldings would show that they were already in a state of decay.

MR. J. WILSON said, they now had a plan of what was to be done, in which the specific work was indicated. For that work certain sums were to be voted, and he was at a loss to know why hon. Members should complain of those votes unless they were too much influenced by the proceeding of former years.

MR. FRENCH, said, he must complain that the right hon. Gentleman (Sir W. Molesworth) had not answered any question of importance which had been put to him. Two questions in particular had not been answered—the first was, whether any future payments were to be made until the accounts were submitted to a Committee; and the other was whether they were to persevere in using stone which was not durable. These were two important questions, and the House ought to have a distinct answer to them.

SIR WILLIAM MOLESWORTH said, when the question was put to him some time ago with regard to the stone, he made inquiry, and he was informed, on good authority, that the stone, on the whole, was very good, and that there were not more imperfect stones than were usually found in such a large quantity. He was also informed that the contractor employed a person at the quarry to select the stone. At the same time, it was excessively difficult to get a quality of stone which would resist such an atmosphere as that of London.

MR. HUME said, that a Committee upstairs had recommended that no public works should be undertaken without an estimate of their probable cost, and that Votes should then be taken, year by year, for the expenditure considered requisite by the architects, and he was desirous that that principle should be adopted in the case of the works connected with the Houses of Parliament. He considered that the Chancellor of the Exchequer should postpone this Vote until a complete estimate of the total amount likely to be required was laid before the Committee.

MR. H. HERBERT said, he hoped the Committee would be informed whether the new bridge at Westminster was to be constructed of stone or of iron. He felt some anxiety on this subject, for he considered that the new Palace at Westminster was one of the most magnificent public buildings in Europe, and was admirably adapted to the purposes for which it was intended. He thought few persons would deny that it would be a pity to mar the effect of such a building from any paltry economical motives, and he considered that an iron bridge, of whatever shape, could scarcely be made consistent with an edifice in the Gothic style.

Sir WILLIAM MOLESWORTH said, that this subject had been brought before the Committee which sat last Session, and the Committee determined, after much deliberation, that the bridge should be composed of iron. It would be a handsome structure, and quite congruous with the architecture of the Houses of Parliament. Sir Charles Barry approved of the design; although, no doubt, that gentleman would have preferred a stone bridge instead of an iron one; but a very large sum of money would be required to pay for a stone bridge, and more than the state of the Bridge Estate Funds would be able to afford. That was the reason why an iron bridge had been decided upon; and, when finished, it would, he believed, look remarkably well. It would be very much wider than the existing structure.

Mr. FREWEN said, that as one of the Members of the Committee which sat upon the question of the rebuilding of Westminster Bridge, he could confirm the statement of the First Commissioner of Works as to the inadequacy of the funds of the Bridge Estate to build a stone bridge, although they would be able to furnish the means for building an iron one.

The CHANCELLOR of the EXCHEQUER said, with regard to Sir Charles Barry's remuneration, which had been alluded to, that it would not be consistent for the Government to give a pledge on that subject in the terms suggested, and for this reason—that the Government were not yet able to bring to a conclusion what they conceived to be their own duty with respect to Sir Charles Barry. What they said, and what they ought to say, was this —that they would be responsible to that House for making no payments to Sir Charles Barry, with respect to which they were not perfectly certain that it would be within any sum which that House would award. Of course they would not commit the House to anything of a doubtful character, or make any issue to Sir Charles Barry, excepting that which that House would be likely to sanction. They had not yet arrived at the time for forming a judgment on that subject, and when they had brought the matter as near as they could to a proper train for that purpose, then would be the proper time to recommend the House to deal with this question. He hoped the Committee would not divide upon this Vote, because it referred to a matter of contract with regard to which it would not be well to create a doubt under the circumstances stated by his hon. Friend (Mr. Hume), and, above all, for this reason, that this was not a question for controlling the Executive Government —the question was about establishing an efficient control, and especially a verity of control; and for that object the Executive Government was most desirous of co-operating with the House.

Mr. HUME said, he had heard with satisfaction the first part of the Chancellor of the Exchequer's explanation, but still thought that the Vote ought to be allowed to stand over until the Committee had a plan of all the work that was yet to be done, and an estimate of the total cost. He should therefore ask the Committee to negative this Vote if it was persisted in.

Mr. WALPOLE said, he quite agreed that the Government could not postpone a Vote with regard to which a contract existed, but he believed it possible to prepare a plan and estimate next year.

Mr. HENLEY said, he would support the Vote, but thought the time had come when they ought to see what further works were to be sanctioned for these buildings. There need not be much difficulty in making an estimate, as the architect must have made up his mind how high he would carry the two great towers, for instance, and could therefore calculate how much it would cost to complete them. They had already consented to lessen the head-way of the Thames to accommodate Sir Charles Barry, and thus seriously injured the navigation of the river; and he, therefore, thought to make it now a question whether the bridge should consist of iron or of stone, as regarded the effect upon the river, was like straining at the gnat after swallowing the camel.

Question put.

The Committee *divided:*—Ayes 57; Noes 35: Majority 22.

Vote *agreed to.*

(5.) 10,000*l.*, Stationery Office.

In reply to a question from Mr. Hume,

Mr. J. WILSON explained, that the object of this Vote was to enable the Government to consolidate the whole of the enormous mass of printed and unprinted papers in one building, which are now kept in the printer's warehouses at a very heavy cost for rent. By this means the expenses of management would be reduced, and the saving in rent alone would more than pay the interest upon the proposed outlay.

Vote *agreed to*, as was also the following:—

(6.) 100,000*l.*, General Repository, Public Records.

(7.) 155,486*l.*, Holyhead Harbours.

(8.) 237,000*l.*, Harbours of Refuge,

Mr. HUME said, he thought that the expense incurred on account of the works at Alderney was very useless. It appeared to him that it would be far more advisable to expend the money in the construction of works on the coast of England.

Mr. WALPOLE said, that one of the items in this Estimate was for the works at Portland. Now, the works at Portland were chiefly carried on by convict labour, which was remunerative to the country. The only prisoners who paid the expenses attending them were those at Portland. There were more than 800 convicts confined there, and they paid the country by their labour upon public works, by which the country profited. He wished, therefore, to impress upon the Government the propriety of applying convict labour to other public works, especially to those in the nature of harbours of refuge, on which they might be employed without coming into contact with independent labour. If nothing was done on this important subject, he should in another Session bring it under consideration, in order that the opinion of Parliament might be taken upon it.

Sir JAMES GRAHAM said, he entirely agreed with the right hon. Gentleman (Mr. Walpole) that it was most desirable that convict labour should be employed on public works, in order that the public works might be remunerative on the one hand, and be carried on in a way consistent with the best discipline on the other. The works at Portland had received the sanction of Parliament, and it would be wise economy to have them finished with the least possible delay; and for this purpose the number of convicts employed upon them had been greatly increased. About 1,000 convicts were now employed there. The vote proposed to be taken for the works at Dover was 34,000*l.*, in order to complete the existing contract. It was intended to extend the sea wall, which would be done by contract, but it was not intended to take any vote this year on account of the extension. With regard to the works in the Channel Islands, he had visited them in company with Lord Raglan, Sir John Burgoyne, Admiral Dundas, Sir Baldwin Walker, and the respective engineers; every possible investigation had been made on the spot, and subsequently they assembled at the Home Office, along with the Secretary at War, for the purpose of coming to a decision respecting these works. It had been determined that the works at Guernsey should not be carried into immediate execution; those at Jersey would be finished this year, and those at Alderney would be proceeded with; but at Holyhead it was intended to depart somewhat from the original plan, with the view of inclosing a larger area of deep water. At a comparatively small additional expense, great advantages would be derived from this extension.

Mr. HUME said, he hoped the Committee would be furnished with a return of the number of vessels that visited either Guernsey or Alderney in the course of a year. He did not think a harbour of refuge was necessary at Alderney, but one was certainly necessary on the north-east coast of England, where numerous vessels had been wrecked during last winter for the want of such a place. At the entrance of the Tyne no fewer than twenty-five or thirty vessels had been lost. He hoped, therefore, that protection would be given to our own coast, rather than spend money uselessly on the Channel Islands, for it was quite time something was done on our north-east shores.

Mr. INGHAM said, he cordially approved of this suggestion; and he would add that the shipowners on the Tyne and the corporation of Newcastle had agreed, the former to tax themselves to the extent of 10,000*l.* a year, and the latter to surrender rights worth 7,000*l.* a year, if the Government would undertake the construction of the necessary works. There was not a harbour of refuge on the whole of the north coast, and he would suggest that if one were constructed at the mouth of the Tyne, it might be useful, in the event of war with any of the northern Powers, as a station for our ships. He hoped that next year the Government would lay some proposition before the House on this subject.

Sir JAMES GRAHAM said, it was natural for his hon. Friend to feel a preference for the entrance of the Tyne; but he had been requested to consider also the claims of Hartlepool, and the mouth of the Tees. He had also been assured that the Yorkshire coast was better than any other place yet suggested for a harbour of refuge. If one were to be established between the Humber and the Forth, it would therefore be necessary carefully to consider the site; but at present it appeared to him wiser to finish some of the larger works in hand, on which considerable sums had already been spent. He had been advised, in respect to war with any of the northern Powers, that it would be an error to build a harbour of refuge either upon the Tyne or the Tees. Nature had done all that was necessary at Leith, on the Forth, and on the Hûmber. These places possessed all the facilities that could be desired under such circumstances. With regard to the great national harbour at the Humber, he had recommended a considerable outlay.

Lord SEYMOUR said, he hoped the Government would not be induced to embark in any more expensive harbours of refuge without due consideration. A large sum had been already expended upon them, and it would be desirable that the Treasury should take care, in future Estimates, to show the sum required for the completion of the works, and whether or not the original plan had been strictly carried out.

Mr. J. WILSON said, that full information on those matters was contained in a separate paper which was upon the table of the House.

Sir GEORGE PECHELL said, that the works at Alderney could be of little use in cases of distress, because it would be most dangerous for ships in stormy weather to approach the rocks surrounding that island.

Mr. MILNER GIBSON said, he had never yet found a single person who believed that the expenditure upon the works at Alderney was judicious. He was not in favour of building up structures and pulling them down again, but he questioned whether in this case it would not be better to stay progress altogether, for the country was not likely to be benefited to the amount of 1,000,000*l.* expended upon the barren island of Alderney.

Vote *agreed to.*

(9.) 676*l.*, Port Patrick Harbour.

Mr. H. HERBERT inquired what was the necessity for this harbour, now that the packet service was discontinued between it and the harbour on the opposite coast?

Mr. W. WILLIAMS said, that expending sums on the harbour was a total waste of money, for it never could be made valuable for any purpose whatever. Among the items he saw a sum of 300*l.* awarded to the late Mr. M'Neel, Secretary to the Harbour Commissioners, on surrender by his executor of papers relating to the harbour. He understood that that gentleman had received 200*l.* a year for twenty-five years, and only did six hours' work a year; and as to the papers, for which 300*l.* was given, they properly belonged to the Commissioners, and were, when delivered up, found to be worth nothing.

Mr. J. WILSON said, it was undoubtedly true that the harbour was no longer used as a packet station, but the Government thought it would be extremely unwise, for the sake of saving 300*l.* or 400*l.* a year, to allow so valuable a harbour, for commercial purposes even, to fall into decay. With regard to the 300*l.* awarded to the late Mr. M'Neel, he had much rather not have seen the item in the Votes, for he considered that the papers belonged to the public, and the executor was bound to give them up; but as he refused to do so, it was thought wiser to pay the 300*l.* than to incur an expensive and uncertain litigation.

Colonel BLAIR said, he did not think that the money voted for the harbour was lost. In the south-west of Scotland, and the north-east of Ireland, a strong feeling prevailed that there should be some harbour by means of which the passage between the two countries might be shortened. He hoped that in the next Session a much larger vote would be proposed; for there was a prospect of a railway being formed from Dumfries to the neighbourhood of Port Patrick.

Vote *agreed to.*

(10.) 26,118*l.*, Public Buildings, Ireland.

Mr. W. WILLIAMS said, he wished to call the attention of the Committee to the cost of that miserable mockery of Royalty, the Lord Lieutenancy of Ireland. These Estimates contained items to the amount of no less than 50,000*l.* connected with this institution. It was perfectly absurd to maintain, in connection with this "mock Royalty," the same description of officers as were in attendance upon the Queen. There were items for the "State Steward's house," "Chamberlain's house," "Comptroller's house," "Gentleman Usher's house," "Clerk of Disbursements' house," "First Aide-de-Camp's house," &c., all of which it certainly could not be necessary to maintain in order to carry on the Government of Ireland. The charge for the Secretary for Ireland was quite sufficient for all the purposes of Government, and that officer ought to discharge all the duties that were required. His opinion was, that the office of Lord Lieutenant should be abolished.

Sir JOHN YOUNG said, that the Encumbered Estates Court was very inconveniently situated. An inquiry had been made as to whether it could not be combined with the Four Courts, but no suitable building could be found. There was a public office which was available, but the cost of alterations, at the most moderate estimate, was 12,000*l.*, and it was doubted whether so large an expenditure should be incurred for a Court which had only two years to run. For his own part, he hoped the Court would be continued by Act of Parliament, and, if so, he had no doubt a proper building would be provided for the Commissioners. But in the present state of the matter it would be premature to lay out a large sum to accommodate the Commissioners.

Mr. VANCE said, that in consequence of the Court being so far from the general courts of law, a small and peculiar bar only attended it, and the suitors were deprived of the benefit of being able to choose from the entire bar and obtain the best professional assistance. As to the office of Lord Lieutenant, this was not the proper time for discussing the question of its continuance, but his opinion was, that a Secretary for Ireland would never have that weight and influence which attended the old time-honoured office of Lord Lieutenant.

Lord NAAS said, the general impression in Ireland was, that no one practised in the Encumbered Estates Court except a very select few among the bar, and so strong was the feeling against the inconvenient position of that Court, that last autumn a protest was signed by every barrister in Dublin against that Court being kept separate from the other law courts. The people of Ireland, having once tasted the sweets of a cheap and speedy mode of sale for encumbered estates, would require its continuance, whether vested in the present Court of Commissioners or in any other court, so that it would be necessary to provide additional buildings, which should be accessible to the whole bar.

Mr. F. SCULLY said, he considered it absurd that a court which had such powers conferred upon it, which had distributed millions of money, and had sold hundreds of thousands of acres, should transact its business in two small houses—one on each side of the street—at a rent of 300*l.* a year.

Mr. HUME said, that his hon. Friend (Mr. W. Williams) had not made it so much an objection of expense as a matter of policy when he suggested that the office of Lord Lieutenant for Ireland should be abolished. The question was, whether Ireland would not be better governed without a Lord Lieutenant than with one? He (Mr. Hume) had expected before this to see that office abolished. It had been condemned by large minorities in that House. Twenty-five years ago he moved its abolition, and he believed he should have carried it if he had not mixed up with the Motion other offices connected with the staff at Dublin. With regard to the location of the Encumbered Estates Court, the argument urged by the noble Lord (Lord Naas) for its continuance and removal to a more central spot, on the ground of its affording cheap and speedy justice, was a good argument for abolishing the other courts. And as it seemed desirable that the Secretary for Ireland should have something to do, let him bring in a Bill at once to put an end to the existing tedious, dilatory, and expensive system, and permanently establish the Encumbered Estates Court.

Mr. M'MAHON was of opinion that the Encumbered Estates Court was the most revolutionary tribunal which had been established during the present century. He did not think that its working was attended with practical advantage, and he certainly hoped that it would not become one of the permanent institutions of the country.

Vote *agreed to.*

The next Vote was 13,370*l.* for Works and repairs at Kingstown Harbour.

Mr. J. WILSON acceded to the proposition of Mr. H. Herbert to postpone this Vote.

Vote *postponed.*

The following Votes were then *agreed to*—

(11.) 83,076*l.*, Houses of Parliament.

(12.) 29,561*l.*, Law Charges.

(13.) 55,146*l.*, Her Majesty's Treasury.

Mr. HUME asked whether any determination had been arrived at with respect to the changes which had been suggested in the mode of the admission of candidates to fill offices in the Civil Service?

The CHANCELLOR of the EXCHEQUER said, that the Government had not come to any final decision upon the subject, and, as he had previously intimated, as they did not think there was any prospect of being able to secure a fair discussion of it in Parliament this year, nothing would be done during the present Session, but they would resume the consideration of the question during the recess.

Vote *agreed to.*

(14.) 27,552*l.*, Home Department.

Mr. HUME said, he would recommend that all the fees which were charged by the various departments of the Government in the course of transacting the public business should be abolished as soon as possible.

Mr. APSLEY PELLATT said, he thought that independent Members of Parliament ought to have the right of consulting the counsel who received a salary of 2,000*l.* for drawing Bills for Parliament, with respect to the Bills they wished to introduce, as well as Members of the Government with respect to Government Bills.

Mr. J. WILSON said, it would be utterly impossible to carry the hon. Member's proposal into effect without employing a number of counsel.

Mr. WALPOLE said, he wished to put rather an important question to the noble Lord the Home Secretary with reference to the announcement which had been made by the noble Lord the Member for London, to the effect that a new Secretary of State for the War Department was to be appointed. The Committee would bear in mind that the different Secretaries of State exercised co-equal and co-ordinate powers with reference to the duties they had to discharge, except so far as those duties were conferred on them by Act of Parliament. He wished to ask whether any alteration was likely to be made with reference to the superintendence and management of the militia, which was now vested in the Secretary for the Home Department? He hoped there was no intention of depriving the Home Secretary of the management of the militia, as he believed that such a measure would be detrimental to the public service.

Viscount PALMERSTON said, he believed that his noble Friend (Lord John Russell), in the early part of the evening, had stated generally the intentions of the Government, but had declined at that moment to go into any details as to the intended arrangements. He was sure the right hon. Gentleman would feel that it would be more fitting that all the details connected with those arrangements should not be stated until they had been finally settled, and could be laid before the House by his noble Friend.

Mr. HUME said, he must express a hope that some improvement would be made in the present system of the management of the militia.

Vote *agreed to.*

(15.) 72,372*l.*, Foreign Department.

Mr. BOWYER said, he wished to inquire what steps had been taken to render the department efficient, for the purpose of providing persons properly qualified to serve the country in the diplomatic service? In other countries there was a course of study pursued in the Foreign Department which provided a constant succession of public servants, and enabled them to discharge efficiently the duties which might be cast upon them. It was true that there were some great diplomatists in the service of this country, but in the subordinate departments there was no other country in the world so badly served, simply because no means whatever were taken to train persons in the knowledge which was absolutely necessary to enable them to perform the duties which might devolve upon them in the foreign service of the country. He believed that the clerks in the Foreign Office were chiefly occupied in the manual labour of copying letters, and were men totally uneducated.

Viscount PALMERSTON said, that the attention of his noble Friend the Secretary of State for Foreign Affairs had been directed towards providing an arrangement for the purpose of subjecting to some previous examination those persons who were to be appointed to diplomatic situations in the service of the country; but he did not believe that as yet anything had been decided upon the subject. The hon. and learned Gentleman imagined, he believed, that a system ought to be established by which persons employed in the Foreign Office should supply the vacancies in the diplomatic service abroad. Such a system, however, did not exist in the service of any country. Each had his separate duties, and it was essential, no doubt, that each should be properly qualified for the performance of those duties. It was a great mistake to suppose that the clerks in the Foreign Office had nothing to do but to copy papers. They had very important duties to perform, which required great activity of mind, great attainments, and great experience; and he must say that he believed there was no department of the State in which there were persons better qualified than the clerks of the Foreign Office for the performance of their very arduous duties. He certainly had been greatly indebted to them for the valuable assistance which he had received from them during the time that he had been at the Foreign Office. With regard to our foreign diplomacy, of course, every man was at liberty to entertain his own opinion; but, without making any personal comparisons as to the particular ability or attainments of particular individuals, he would venture positively to assert that there was no Government in Europe that was better served by its diplomatic agents than the British Government both had been and now was. There was one obvious reason for this; and it was, that independently of the merit of individuals, every man in the British service knew that the way to recommend himself to the head of the department was to give a faithful and accurate account of what he saw, what he heard, and what he observed, and that, whether the account which he gave tallied or not with the previous wishes and opinions of the chief of his department, provided he fulfilled his duty faithfully and with intelligence, he would be sure to obtain praise and promotion; whereas in the service of some foreign countries, if a person represented anything in a manner not conformable with the views of his Government, he was more likely to obtain censure and removal than praise and promotion.

MR. BOWYER said, he must still contend that in the Foreign Department it was peculiarly necessary that there should be an examination of the persons employed, because no one could be found efficiently to serve the country without some knowledge, not only of the routine of the department, but of law and languages, which could only be obtained by a considerable amount of study. Though the Bill to reform the Civil Service had not yet come before Parliament, he thought that some regulation might be adopted in the Foreign Department which would ensure that there should always be a sufficient number of persons trained both in theoretical learning and in the practices which qualified men to serve the country in diplomatic offices.

VISCOUNT PALMERSTON said, it was a rule long established that persons who were appointed as unpaid *attachés* on first entering the service must have attended at the Foreign Office for a certain number of months in order to acquire that previous information to which the hon. Member referred.

MR. APSLEY PELLATT asked if there would be any objection to throw open the library at the Foreign Office to the public?

VISCOUNT PALMERSTON said, the library at the Foreign Office consisted of a certain number of works connected with history and international law for the use of that department, and also of despatches written and received at the Foreign Office, which were at the end of each year bound into books and put aside on the shelves of the library. After a certain period, say ten or twelve years, these records were transferred to the State Paper Office, where they remained under the custody of the Keeper of the State Paper Office. Now, with regard to the library of the Foreign Office, if any one wished to see printed books there, or large blue books that were not to be found in the British Museum or any other library accessible to the public, they, of course, could be seen; but, with regard to many of those books, and the manuscripts of despatches sent and received, they were documents which of course from their nature could not be shown to everybody who might express a desire to read them.

Vote *agreed to*, as was also

(16.) 40,550*l.*, Colonial Department.

On the Vote of 68,600*l.* for the salaries and expenses of the Privy Council,

MR. G. BUTT said, that the clerk of the Council had in 1853 received a salary of 2,000*l.*, but for the present year it was put down at 2,500*l.* If he was rightly informed, the gentleman who held the office had it by a grant in reversion, and he presumed the salary was then fixed. How, then, was it that this addition of 500*l.* had been made?

MR. CARDWELL said, the original salary was 2,500*l.* a year, but it was only 2,000*l.* during the time that the gentleman held another appointment, in connection, he believed, with the colony of Jamaica. On the giving up of that place the salary reverted to its original amount—namely, 2,500*l.*

Further explanation being required, Vote *postponed.*

The House resumed.

CRIMINAL PROCEDURE BILL.

Order for Second Reading read.

MR. AGLIONBY, in moving the second

reading of this Bill, said that he had only recently heard that the measure would be received with any opposition, and he hoped that such opposition would be able to be removed by some slight alteration in the clauses. One objection was, that the Bill was not stringent enough, and another objection was, that it was too stringent, so, perhaps, it might be possible to steer clear of both of these objections by taking some middle course. With respect to the 9th clause, relative to clerks to justices in petty sessions not practising in their own courts, he begged to state that he meant no disrespect to those gentlemen in any way. The object of the Bill was, by allowing prisoners accused of minor offences to plead "Guilty" and receive their sentences at petty sessions in open court, to spare prosecutors and their witnesses the trouble and expense of attending at the assizes, and to rescue youthful offenders from the contamination to which they were exposed in the weeks and months which they were not unfrequently obliged to pass in gaol between their committal and their trial. All the objections which had been made to the Bill could, he thought, be dealt with in Committee, and he hoped, therefore, that the House would now give its assent to the second reading.

Motion made and Question proposed, "That the Bill be now read a Second Time."

Mr. COBBETT said he thought that, so far from the Bill being calculated to lessen the expenses of criminal prosecutions, it was very likely considerably to increase them. He quite agreed that the object of the Bill was a praiseworthy one, but he thought it might be carried into effect nearly as well under the existing law as by the Bill of the hon. Member. Great injustice, he believed, would be done to persons thus suddenly called on to plead before the magistrates, and, while the Bill would not shorten the time which youthful offenders would have to pass in gaol, it would have the effect of giving great offenders lesser punishments than they ought to receive. All that numerous class of offenders who, having been convicted once or twice before, stood in great dread of being sentenced to transportation or penal punishment, would be almost encouraged by this Bill to the commission of small offences during that season of the year when they could get no employment, knowing that if they pleaded "Guilty" before the magistrates, they would only be

punished by a slight imprisonment. Then, again, nothing was more frequent than for mistakes to be made by justices and clerks of the peace in the offence for which they committed men; committals were often made out for larceny when the real offence was embezzlement or obtaining money under false pretences, and what an unpleasant position a Judge would be placed in who found himself called on to sentence a man for an offence to which he had pleaded "Guilty," but which he had never committed. Another objection he entertained against the Bill was, that, as a prisoner after having pleaded had a right to retract his plea, it would be improper to compel a Judge to hold a man to the plea put in before the justices. The Bill would have the effect of giving facilities to crafty offenders of obtaining smaller punishments than their offences deserved. He agreed that it was desirable to have a mode of shortening the duration of punishment awarded to prisoners desirous of pleading "Guilty" to offences of a minor description, but the magistrates already possessed greater powers than they generally exercised in that respect. Upon the grounds he had already stated, he begged to move that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "Upon this day six months."

Mr. ATHERTON said he should oppose the Bill on the ground that the Legislature would be dealing with the subject without due regard to the proper administration of justice. Although economy was a matter to which every attention should be paid, the fair and satisfactory administration of justice was an object of far greater importance than the saving of a few pounds. If the Bill were agreed to, there would be a danger of effecting a saving of expense to prosecutors at the risk of having haphazard sentences.

Mr. J. G. PHILLIMORE hoped the House would agree to the second reading of this Bill, which was intended to remedy a great and serious evil.

Viscount PALMERSTON said, the Bill of the hon. Member professed to deal with that which required a remedy. There might be imperfections in the Bill, but they were capable, he considered, of being remedied in Committee. He therefore recommended the House to give the Bill a second reading.

Mr. M'MAHON thought that a great deal of injustice would be perpetrated under the Bill for the sake of saving money.

Mr. HENLEY said, he doubted whether the Bill would work, and whether it would be accompanied by such a saving of expense as the hon. Member (Mr. Aglionby) seemed to suppose.

Mr. ROBERT PALMER said, as a chairman of quarter sessions, he had received numerous complaints of the number of cases sent to trial under the present system, and was glad to find that the hon. Gentleman (Mr. Aglionby) had introduced a Bill which proceeded in the right direction. He did not altogether approve of all its provisions, but he thought such amendments might be made in Committee as would remove the objections which he entertained.

Mr. AGLIONBY, in reply, said, the feeling was generally in favour of amending the Bill. He had listened with great attention to the various arguments, and he should endeavour, as far as he could, to meet the views of parties, while at the same time he hoped the most efficient parts of the Bill might be retained.

Mr. CRAUFURD said, the improvement suggested in the present measure had been tried with great success in Scotland.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 59; Noes 9: Majority 50.

Main Question put, and *agreed to.*

Bill read 2°.

The House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Friday, June 9, 1854.

Minutes.] Public Bills. — 1ª Excise Duties; Exchequer Bonds (£6,000,000).

2ª Income Tax (No. 2); Church Building Acts Amendment; Industrial and Provident Societies.

3ª Consolidated Fund (£8,000,000), (No. 2).

THE NEW WAR DEPARTMENT— THE AMBULANCE CORPS—QUESTION.

The Earl of HARDWICKE rose to put a question to the noble Duke (the Duke of Newcastle). Their Lordships had no doubt heard that arrangements had lately been made in reference to the mode of dealing with wounded men upon the field of battle, and that the noble Duke had acceded to the advice of Mr. Guthrie, a gentleman of great ability, who had done everything in his power to carry out his judicious recommendations upon the subject. A corps had been established, and the necessary steps taken for attaching to that corps such implements as were necessary for the purpose of conveying wounded men from the field of battle in the manner that would afford the best chance of saving their lives, and he believed that everything had been done which the Government could do. He understood that the corps and its machinery were still at Woolwich; and as some anxiety had been felt in reference to the conveyance of that corps to the place where it ought to be stationed, the question he wished to put was, whether any such corps had been established, and whether any exertions were being made for the purpose of conveying that corps to its destination?

The Duke of NEWCASTLE said, that the corps of which his noble Friend had spoken had now been established for the first time, and he had every reason to believe that the example of its establishment would be found worthy of imitation by other nations, and that it would be advantageous to our own country. He was happy to say that he thought he should be able to give a satisfactory answer to his noble Friend's question. The corps, being of an entirely novel character, both as regarded its machinery and as regarded the men who were to act in it, had not been organised in a single day, but the arrangements with respect to it had now been completed for some time, and a screw-steamer had been chartered for its conveyance, with a large quantity of stores, to the East. He understood that this vessel would start from this country in the course of the day after to-morrow.

The Earl of DERBY: I do not know whether the noble Duke answers the question of my noble Friend in his capacity of Colonial Secretary or of Secretary of State for the War Department, and I think it is desirable that an explanation should be given to your Lordship's House at the earliest possible moment with respect to the important changes now supposed to be in the contemplation of the Government, in the creation of a new office of Secretary of State for the War Department, separate from those of the Secretary for the Colonies, and with respect to the arrangements which are to be adopted in consequence of those changes. I understand that an announcement was made last evening in the House of Commons on the part of Her Majesty's Government, of their intention of forming the new office. I am further informed—if it is not irregular now to refer to the fact —that a new writ has been moved for the City of London in the room of the noble Lord who lately held the office of leader of the House of Commons on his acceptance of the office of President of the Council. I wish, therefore, to ask the noble Lord at the head of Her Majesty's Government whether I am right in supposing that that noble Lord has accepted the office of President of the Council. It may not be improper to ask also, whether, if he has accepted it, he will still remain a Member of the House of Commons? and I wish further to ask Her Majesty's Government, with regard to the office of Secretary of State for the War Department, to explain to this House and to the country what are the precise functions and duties which it is proposed to devolve upon that office, how far they will interfere with or be superior to those of the departments now in existence, and whether the new Secretary of State will exercise a control over all matters connected with the administration of the military affairs of the country?

The Earl of ABERDEEN: In answer to the noble Earl, I have first to inform him that my noble Friend the Member for the City of London has accepted the office of President of the Council, and that he will remain in the House of Commons. I have further to inform the noble Earl that it is intended that a division of the functions of the Secretary of State for War and for the Colonies shall take place, and will be carried into effect before the next meeting of the House. The functions of the Secretary of War will be those which are at present exercised by the Secretary of State for War and for the Colonies in the War Department. What further changes may hereafter take place in the administration of the Departments immediately concerned in the military service of the country I am not prepared to say; but the Secretary for the War Department will possess all those powers and exercise all those functions which are now exercised by my noble Friend near me, who is at present Secretary of State for War and for the Colonies.

The Earl of DERBY inquired whether the Secretary of State for the War Department was to have anything or nothing to do with the control of the financial department of the Army?

The Earl of ABERDEEN: He will have nothing whatever to do with the control of the financial department, as we are at present advised.

Lord PANMURE: I was somewhat interested in the debate which took place in this House a short time ago with regard to the establishment of a Minister of War; and I am happy to find that Her Majesty's Government have at last, owing to the opinions which have been expressed in both Houses of Parliament, and also owing to public opinion as it has been expressed through the press, adopted that course which will eventually turn out to be the only one by which military affairs can be administered in this country. I am glad to hear from my noble Friend that it is not intended to constitute a Minister of War as a mere decoy to deceive the public. I have no desire to see things done hastily; but if the office of Minister of War is to be established, the officer who fills it must have a department as well as a name. In my opinion, as soon as it can be conveniently done, the Minister of War should take charge of the administration of the finances of the Army; he should take charge of the Commissariat Department; and, in my opinion, he should also have transferred to him, as soon as possible, the management and direction of the militia force of this country. I do not at all wish to see the functions of the Commander in Chief interfered with as far as regards the executive government of the Army, nor do I wish to put into the hands of the Government the administration of what is called the patronage of the Army. For six years I had experience as to the manner in which that patronage was administered under the present system; and I believe that it was never more honourably or more efficiently administered than when it was in the hands of the late Duke of Wellington, and, under his orders, of Lord Raglan. I have every reason to believe that the same system of administration is pursued by the present Commander in Chief, and I have no desire that the Government should interfere in the matter at all; but if we are to have a Minister of War, he ought to know what is going on in every military department of the Government—whether at the Horse Guards, the Ordnance Office, or any other department—and he ought to act by his own authority, not under that either of the Colonial or of the Home Secretary. If the troops are to be moved they should be moved by his authority—that is, by his authority to the Commander in Chief to move them. All my observations aim at making this Ministry of War a department that will exist in time of peace as well as in time of war, and that will, at all times, have control over everything connected with the military administration of the country.

The Earl of DERBY: I think it is desirable that the noble Earl should state more in detail the duties that are to be performed by the new Secretary of State; as it appears to me that, if he is not to have control over the financial department of the Army, and is to have nothing to do with the patronage of the Army, the new Secretary will have something very nearly approaching to a sinecure in time of peace. I wish to ask whether the new Secretary of State is to be deprived of the control over the finances and the patronage of the Army; and, if so, whether it is intended to appoint that officer only during time of war?

The Earl of ABERDEEN: The Secretary of State will not be deprived of the control over the finances or the patronage of the Army, as he now possesses neither the one nor the other; but he will have the control over the whole administration of the Army, and that will be found quite sufficient to employ his utmost exertions, certainly during war. As for what may happen in time of peace, the noble Earl will, perhaps, have the goodness to wait until time of peace before asking us to settle what will then be the functions of the new Secretary of State; and if that time happily should ever come, we shall then be able to say more satisfactorily what his functions shall be. At present it is quite sufficient that he has ample duties to perform, and I have no doubt the division which has taken place of the functions of the War and Colonial Departments will be such as to add to the efficiency of the public service.

THE MILITARY KNIGHTS OF WINDSOR.

The Earl of ALBEMARLE, in moving for the appointment of a Select Committee to inquire into the administration of the funds of the charities connected with the Military Order of St. George and the Garter, and more especially with the Royal grant of King Edward III., commonly called the "Old Dotation," and that of Queen Elizabeth, commonly called the "New Dotation," said, that the issue which had to be tried was, how much of those funds belonged of right to the Dean and Canons of Windsor, and for how much of the funds the Dean and Canons were trustees for the Military Knights of Windsor. He brought the question forward upon four distinct grounds. He asked for an inquiry, in the first place, on behalf of the prerogative of the Crown, which he considered had been violated by a diversion of the funds of the Sovereign of the Order of the Garter from their legitimate objects; and, in the second place, on behalf of the taxpayers of England, who had been assessed for a series of years for the expenses of the buildings connected with this charity, while there had been ample funds belonging to the charity itself and especially intended for that purpose. He asked for it, thirdly, on behalf of the British Army, because he believed that, after the full satisfaction of all demands, a fund would be placed at the disposal of the Crown, as he hoped, sufficiently large to restore the twenty-six knights, whose appointments had not been filled up, but who had been appointed under the Statute of Edward III. He moved, lastly, on behalf of the present Military Knights of Windsor, a body of gentlemen who had performed the greatest and most important services to this country, but which he would not now detain their Lordships by alluding to. He was compelled to call the attention of their Lordships to a period of five centuries ago, when an event took place which had been made the subject of one of the frescoes which decorated the chamber in which they were sitting, namely, the investiture of the first Knight of the Garter. He had no observation to offer with respect to the charming romantic legend concerning the Order, nor with the quaint badge, and the equally quaint device which decorated the knee of the Black Prince. It sufficed him (the Earl of Albemarle) to say that the Royal father of that Prince, three years after the battle of Cressy, instituted the Order of the Garter, to which two descriptions of knights were to belong, the one being the Knights Companions of the Order, and the other the Poor, or, as they are now called, the Military Knights of Windsor. The object of the institution of the Order was twofold. In the first place it was the creation of "Knights Companions, to afford encouragement and reward to persons descended from a series of ancestry of noble blood." In the second place, to establish "a perpetual charity for the subsistence of veteran knights who had been reduced to poverty in the wars." Edward III. assigned lands for that purpose, and grants had also been made for its support, not only by the Crown, but by some of the most illustrious members of the Order. In the letters patent of Edward III. the institution was said to have been founded for—

> "Fifteen other canons and twenty-four poor knights, impotent of themselves, or inclining to poverty, to be perpetually maintained of the goods or possessions of the said chapel, perpetually serving Christ under the command of the said custos or warden, and their cause to be received, as well as the canons and knights as other ministers of the said chapel, as was promised; and that His said Majesty thereby decreed, ordained, and by his Royal authority, as much as in him lay, established for ever."

It was necessary to observe here that the canons and the knights were placed upon an equality, and their pay, their privileges, and their perquisites were intended to be as nearly equal as possible; their dress was the same, the duties were the same, the same attendance in the chapel was required from them, and the oaths administered to them was not the one administered to the inferior officers, minor canons, and other persons of a lower description. Such appeared to have been the intentions of the Royal founder; but a very short time afterwards those intentions seem to have been frustrated, and a war to have been, in consequence, carried on, even longer than the war with which we were now threatened. For instance, there were a certain number of perquisites especially belonging to the Poor Knights and others, which they shared with the dean and chapter. Among them were such things as the banners, swords, mantlets, and helmets of the deceased Knight Companions, but the dean and canons had sold all this armour, &c., and put the money into their pockets. The interference of some right reverend or most reverend visitors of the charity had been sought, and all the Chancellors of England who had acted as visitors had given their awards in favour of the Poor Knights against the dean and chapter. Another perquisite to which the knights were entitled was a certain number of herrings. The town of Yarmouth was then, as now, celebrated for its herrings, and the corporation was required by Statute to supply the chapel of Windsor with a last of herrings annually in the season of Lent. The dean and canons, however, deprived their military brethren of their share of even this Lenten entertainment, and ate up all the herrings themselves. Complaint was made to Adam, Bishop of St. David's, as Visitor of the Chapel, in the second year of Richard the Second, and in perpetual memory of this act of gluttony on the part of the dean and canons of that day, their successors of the present day are compelled to pay to each knight 6*s.* 8*d.* a year in lieu of a herring a day. By the 19th of the College Statutes it was provided that, after certain payments to the alms knights and others, a third part of the overplus or remainder of the revenues of the chapel and college should be set aside every year for extraordinary cases, as fire, murrain, the *onera capella incumbentia*, &c., or in defence of the rights of the college and chapel, or for increasing their revenues. It was desirable to know what had become of that surplus, and how far it was chargeable for the repairs of the houses of the knights, which formed a part of the chapel, and which repairs are now made at the expense of the taxpayers of England. He (the Earl of Albemarle) wished now to show that, notwithstanding the disincorporating Act of Edward the Fourth, the Knights of Windsor always had an existence. Henry VIII. appointed a man called Peter Narbonne to be one of the alms knights, and requested the dean and canons to give him a maintenance, and they gave him a pension of 20 marks per annum, on condition that he should relinquish it when the King should grant or settle lands on the college and chapel for the provision of the knights, as he had promised them to do, or given them to understand he would do; and thereupon King Henry VIII. wrote and sent to the dean and canons a letter, dated on or about the 18th day of July, 1511, giving them thanks for having conferred the pension on Peter Narbonne, and promising them not to burden them with any more requests of that sort, but to grant and settle lands for the maintenance of the said alms knights. Now, it was evident that at this time Henry VIII. did not contemplate making the dean and canons even the trustees of the lands with which he had promised to endow the Poor Knights. In the year 1546 the dean and canons, by an indenture, surrendered and conveyed the manor and rectory of Ivor, in the county of Bucks, and other hereditaments, to the yearly value of 160*l.* 2*s.* 4*d.*, to King Henry VIII. in exchange for other hereditaments, which were to be conveyed to them by His Majesty. On the 9th of June, 1853, the Dean and Canons of Windsor state, in their Report to the Cathedral and Capitular Commissioners, that "By the will of King Henry VIII. certain lands were devised to the Dean and Canons of Windsor." Now, the only paragraph in the will, which is dated 30th of December, 1546, referring to the chapel of Windsor, is as follows—

> "Also, we wool that, with as convenient spede as may be doon ufter our departure out of this world, if it be not doon in our liefe, that the dean and chanons of our free chapele of St. George, within our castle of Windsor, shall have manoures, landes, tenements, and spiritual promotions, to the yearly value of six hundred poundes over all charges made sure to them and their successors for ever, upon these conditions hereafter ensuing. And for the due and full accomplishment and performance of all other things contained with the same, in the forme of an indenture signed with our own hand, which shall be passed by way of covenant for that purpose, between the said deane and canons and our executors, if it pass not between us and the said deane and canons in our liefe, that is to say, the deane and canons, and their successors for ever, shall find two prestes to say masses at the said aulter, to be made where we have before appointed our tomb to be made and stand : and also, after our deceasse kepe yearly four solem fine obites for us within the said college of Windsour, and at every of the same obite to cause a solempne sermon to be made, and also at several of the said obites to give to poor people in almez tenne pounds. And also to give for ever yearly to thirtene poor men, which shall be called 'Poor Knights,' to every of twelfpens every day, and once in the year yearly for ever a long gowne of white cloth, with the garter upon the breast embroidered with a shield and cross of Sainte George within the garter, and a mantle of red cloth ; and to such one of the said thirtene poor knights as shall be appointed to be hed and governor of them 3*l.* 6*s.* 8*d.* yearly for ever, over and besides the said twelfpennies by the daye. And also to cause every Sunday in the yere, for ever, a sermon to be made for ever at Windsor aforesaid, as in the said indenture of covenant shall be more fully and particularly expressed, willing, charging, and requiring our son Prince Edwarde, all our executors and counsaillors which shall be named hereafter, all other heirs and successors, which shall be kings of this realme, as they will aunswer before Almighty God at the dreadful day of judgment, that they and every of them do see that the said indenture and assurance, to be made between us and the said deane and canons, or between them and our executors, and all things therein contained, may be duly put in execution and observed and kept for ever perpetually, according to our last will and testament."

King Henry VIII. died on the 23rd of January, 1547, without having altered or revoked his will. This point claimed particular attention, because as lately as June in last year the dean and canons of Windsor had claimed the lands under the devise of Henry VIII. If that claim could be substantiated, the labours of the Committee which he asked their Lordships to appoint would be brought to a speedy termination. From all the information he had been able to collect, it did not appear that there had been anything like a conveyance in fee to the dean and canons as was pretended. Altogether he was justified in contending that, as far as related to the reign of Henry VIII., the dean and canons had no claim to any of "the New Dotation." On the 24th of February the executors of the late King and the Ministers of the young King Edward VI., together with the Judges and the law officers of the Crown, assembled to carry into effect the wishes of the deceased monarch with respect to the Poor Knights, among other things. In pursuance thereof, on the 2nd of August, 1547, Sir Edward North, then Chancellor of the Court of Augmentation of the King's revenues, issued instructions for preparing a conveyance, in pursuance of the will of Henry VIII., and, after stating the rental of certain hereditaments, mentioned at 812*l.* 12*s.* 9*d.*, proceeded to declare that from that sum was to be deducted 160*l.* 2*s.* 4*d.* for the manor of Ivor, and 600*l.* for the gift in the will of Henry VIII. It was evident, therefore, that the executors of King Henry VIII. entertained no doubt as to the construction which ought to be put upon his will. The Poor Knights had always placed much reliance on an important deed—namely, an indenture of King Edward VI. ; but the deed could not be found, and many persons supposed that if it existed at all it was unfavourable to the case of the knights. In 1845, however, owing to the exertions of Mr. Philip Hayward, the indefatigable agent of the Poor Knights, the indenture was discovered among a mass of mouldy parchments in the riding-house of Carlton Palace. The deed bore date the 4th of August, 1547, and in it reference was made, in the sense already stated, to the two sums of 600*l.* and 160*l.* 2*s.* 4*d.* Three months afterwards a letter patent of Edward VI., dated October 7, 1547, put the dean and canons in possession of rents producing at that period 600*l.*, in trust, for the uses assigned by King Henry VIII. That two dotations of the Poor Knights were in existence at that period was clear from the fact stated by Ashmole—that two treasurers, one of the old and the other of the new dotation, the *Senescallus veteris* and the *Senescallus novœ donationis*, were appointed. That these funds were misapplied, was equally clear from the fact that for some years after the dean and canons had received these lands in trust there was a Committee of inquiry into the state of the Royal College of the Chapel of St. George. He would refer their Lordships to some extracts from the *Register Book* of the Council of King Edward VI.—

> "1551, June 22.—Privy Council held at Greenwich, before King Edward VI. Present thereat —the Protector, the Duke of Somerset, the Archbishop of Canterbury, the Lord Treasurer, the Lord Privy Seal, Lord of Shrewsbury, Lord Admiral, Lord Chamberlain, Lord Cobham, Mr. Treasurer, Mr. Comptroller, Mr. Vice Chamberlain, Mr. Secretary Cecil; when it was considered and ordered that 'a letter of Appearance to the Dean of Windsor (*inter alia*) to bring with him also a note of so much money of the Poor Knights as he has in his custody.'"

That appeared to be something like a trust, anyhow. Then, in 1552, there was the following extract—

> "1552, August 7.—Privy Council held at Waltham, before King Edward VI. Present thereat —the Lord Treasurer, the Lord Privy Seal, the Duke of Suffolk, the Lord Chamberlain, Mr. Treasurer, Mr. Secretary Cecil, the Lord Great Chamberlain, and the Vice Chamberlain; when the subject of complaint to the Crown in the letter of the 1st of August, then instant, from Sir Philip Hoby to the Lord Treasurer was taken into the consideration of the Council, and it was thereupon ordered that 'a letter to the Commissioners (the Earl of Warwick, Sir Philip Hoby, and others) appointed for the inquiry at Windsor, to examine the prebendaries (meaning the dean and canons) there—particularly according to the instructions given them, and to get as much as they can of that hath been embezzled, or the value thereof, and to certify hither of their proceedings in their behalf.'"

Here was evidence of the Crown exercising supreme authority by virtue of its Royal prerogative as Sovereign of the Order of the Garter, and that authority was exercised through the Privy Council. It also afforded evidence that the dean and canons were trustees, and were not possessed of the property in fee. From the year 1553 down to 1558, during the reign of Queen Mary, the whole of the rents and profits were paid over to the Lord High Treasurer, the Marquess of Winchester, and such sums were expended in building some of the thirteen houses in Windsor Castle, and in fitting up and repairing others for the Poor Knights, and which houses the thirteen Poor Knights at present occupied. It appeared, therefore, very evident that such property was held by the dean and canons subject to the trust of keeping the houses in repair, and that such outlay was not to be looked upon in the light of a charity. At all events, that was the question which he wished to make the subject of inquiry before a Select Committee. From the accession of Edward VI. to the death of Queen Mary certain conditions of the will of Henry VIII. had been complied with. It was still requisite to make a declaration as to the uses to which the property in question should be applied, and accordingly, by an indenture dated the 30th of August, 1559, the first year of Queen Elizabeth, made between that sovereign and the dean and canons, it was declared that the property mentioned in the schedule annexed was given and assured unto the dean and canons and their successors "to and for the intent and purpose that the revenues and profits of the same should for ever be employed and bestowed for the maintenance of thirteen Poor Knights within the Castle of Windsor." Those words were so clear that it was quite evident what the intentions of Queen Elizabeth were. If there was any doubt as to her meaning, she stated in her letters patent of the same date that for the advancement of the noble Order of the Garter, and especially upon the knowledge given her of the late mind and will of her most dear father of noble memory to make a special foundation and continuance of thirteen poor men decayed in the wars and such like service of the realm, to be called Thirteen Knights of Windsor, to be kept there in succession, did, by those letters patent, not only set forth and express the foundation of the thirteen Poor Knights, but declared how and in what manner the revenues of the lands given to the dean and canons by her father Henry VIII., should be bestowed and employed for the maintenance of those thirteen Knights. The property which was thus appropriated for the benefit of these Poor Knights produced, at that period, about 820*l.* a year; it now yielded no less than 14,750*l.* The sums stated in the patent as "The Queen's Majesty's Ordinance for the continual charges," consisted of twenty-nine items, amounting, in the whole, to 429*l.* 13*s.* 2*d.*; so that the difference, after deducting those charges, was, according to the indenture and the patent of the 30th of August, 1559, to be bestowed and employed for the maintenance of these Poor Knights. It appeared that the rents of the said lands of the new dotation exclusively of the rectories and prebends, were for several years, from 1558 to 1564, or later, applied according to such indenture and letters patent. He then came to King James I., who, on the 5th of October, 1603, confirmed the rights of, and granted an additional shilling a day to, the Poor Knights. Charles I., in 1623, also confirmed the ordinance of Queen Elizabeth. By an Act of what was commonly called the Long Parliament, passed in 1649, for abolishing deans, deans and chapters, canons, prebends, and other offices and titles of or belonging to cathedral or collegiate churches, and settling their property in certain trustees, the said deans and canons of Windsor were purported to be abolished, and the leases granted by them since the 1st of December, 1641, were made void; but it was provided that all rents and sums of money which before that date had been, or ought to have been paid towards any charitable use should be continued to be paid as they were before the 1st of December, 1641. But at the restoration of King Charles II. the dean and canons returned to their old place as trustees. Well, it appeared that, from the time of Charles II. to the reign of George II., the persons appointed to the places of the Poor Knights were generally of a lower grade or rank than were the persons who before or since that time had been appointed to such places, and, as well by reason of their poverty as of ignorance of their rights, were prevented from asserting, and they did not assert, their claim, to a share of the increased rents of the lands of the new dotation. But a great movement took place in the reign of George II. in reference to the position of these Poor Knights. Among those who interested themselves on their behalf was his (the Earl of Albemarle's) great-grandfather, who presented a petition on the subject in the year 1734, a counterpart of that which he himself had laid upon the table of the House a few days before. The case was referred to the law officers of the Crown, and the dean and canons were summoned to appear before them. The existence of the indenture of Queen Elizabeth was then denied, and as there were then no means of proving its existence, the matter went no further. The opinion of counsel was taken on one point, to which he wished to call the attention of the noble and learned Lord on the woolsack. On a former occasion he asked his noble and learned Friend whether the Court of Chancery had any jurisdiction over the question relating to the claims of the Poor Knights of Windsor, and his noble and learned Friend declined giving any opinion. With great submission, he thought his noble and learned Friend was wise in so declining, because it was a question by no means clear, and one upon which another Member of Her Majesty's Government had expressed an opinion contrary to that which it might be presumed was the opinion of his noble and learned Friend. He was aware that it was very improper to allude to what took place in the other House of Parliament, but he thought he might do it as a matter of history. When an hon. Member asked the Secretary of State for the Home Department a question concerning the claims of the Military Knights of Windsor, Lord Palmerston said that "the natural course of bringing to a decision a question of the kind which was pending between the Military Knights and the dean and canons of Windsor would be a suit in Chancery; and he hoped he might be able to propose to the parties a method of bringing the question to an issue by a reference, which might save them from the expense and trouble of a Chancery suit, and he should endeavour to propose some such arrangement." Now, if he (the Earl of Albemarle) did not know his noble Friend to be one of the best-hearted men in all Christendom, he should say that that reply looked very like a threat of a suit in Chancery if the present expedient should not succeed. He would now refer to cases in support of his view of the case. The first authority he should bring forward was the opinion of William Fortescue, afterwards Sir William Fortescue, Master of the Rolls. In, or shortly before the year 1733, the Poor Knights of Windsor submitted a statement of their case to that gentleman, who gave his written opinion to this effect—

> "I conceive, if this was a case wherein the Crown was not concerned, that a court of equity would decree the Poor Knights to have an equal share in proportion with the other of the said charities; but, in the present case, it seems to me that the King may himself direct in what manner, and to which of the said charities the said improvements shall be applied, or may name and

appoint any person or persons of the Order of the Garter so to do."

Under this advice the Poor Knights petitioned George II., praying for relief. The King handed the petition to Lord Harrington, the Secretary of State, who referred it to the law officers of the Crown, who summoned the dean and canons before them, and they attended and objected to the King's prerogative in the case. Further proceedings were afterwards had before Sir Dudley Ryder, Attorney General, who made a report to the King, in which, after setting forth all the facts that had been produced before him, he said, he was humbly of opinion that the Poor Knights had not made out a title to any share of the improvements of the property. This opinion evidently rested upon the alleged non-existence of the indenture of the 4th of August, 1547. But since the month of May, 1845, Mr. Philip Hayward had discovered that very indenture. In support of the argument that the Court of Chancery had no jurisdiction in this case, he would advert for a moment to what had been done in regard to the appointment of the Chancellor of the Order of the Garter. That office was created by King Edward IV., who appointed Richard Beauchamp, the then Bishop of Salisbury, to the office. The chapel of St. George, Windsor, being then within the diocese of Salisbury, Edward IV. declared that the Bishops of Salisbury should be also Chancellors of the Order of the Garter. But Edward VI. set aside, by his sovereign will, that declaration, and for about 120 years laymen filled the office of Chancellor. He did not see the Prime Minister in his place, but he might observe that in the reign of Edward VI. the First Minister of the Crown was made Chancellor of the Order. One Bishop of Salisbury, it was true, succeeded in the next reign, because he happened to be the son of an attorney, and because he knew there was no jurisdiction in the Court of Chancery over the appointment. But, should he (the Earl of Albemarle) be driven from the argument he was then urging, he had others which he could bring forward, for he felt it his duty to do all that was in his power to protect his brother officers—the Poor Knights of Windsor—and save them from the painful alternative of being thrown into that "Slough of Despond," the Court of Chancery. Why, if that were to happen, they would spend their 1*s*. a day, and would be involved in a suit as interminable as the celebrated cause of "Jarndyce *v.* Jarndyce." He trusted, however, he had succeeded in showing to their Lordships that the dean and canons of Windsor were merely trustees of the property held by them, and that the Military Knights of Windsor were the *cestuique* trusts of that property. The noble Earl then referred to a document which had recently been discovered in the Ashmolean Museum, showing that payments had been made by the dean and canons of Windsor, under the will of Henry VIII., and also under the indentures of Edward VI. and of Queen Elizabeth, in their character of trustees only. He would only refer to one more fact in proof of the point he was endeavouring to establish. It appeared from the journals of their Lordships' House, that in 1597 a Bill was introduced to enable Arthur Hatch to hold a portion of the new dotation, certain lands belonging to the rectory and parsonage of South Moulton. On that occasion counsel were expressly directed to inquire and report whether the Bill contained anything to prejudice the Poor Knights of Windsor. They reported that it did not; and the Act which was subsequently passed—39 & 40 *Eliz.*—distinctly recited the fact that "His late Majesty King Edward VI. did, by letters patent under the Great Seal, grant this parsonage for the use of the Poor Knights of Windsor." He apologised for having detained their Lordships so long, but still they must remember that the time he thus occupied in urging the claims of these Poor Knights was not so long as the Chancery suit with which they were threatened would occupy. If ever those Poor Knights were frightened in their lives, it must have been when they read the speech of the noble Lord the Secretary for the Home Department. He would not trouble their Lordships with quoting any more cases. He trusted he had said enough, at least to induce their Lordships to grant him a Select Committee. He must say that since his noble and learned Friend (Lord Brougham) had forced upon an unwilling Parliament and an unwilling Government the Act relating to the abuses of charitable trusts, there had been a disposition shown on the part of the Legislature and of the Executive to grant an inquiry wherever a *primâ facie* case could be produced. But, somehow or other, it had happened that hitherto something had occurred to prevent these Poor Knights from having their case fully inquired into by Parliament. In 1835, a Commission of Inquiry was instituted, but on that occasion, although the inquiry extended from the dean down to the sexton, yet the dean and canons actually ignored the existence of the Military Knights, a body with whom they had now been associated for 500 years—the existence of men, many of whom had obtained medals for gallant services in the field, unless, indeed, it was to be understood that those Knights were specified under the title of "servants" by the dean and canons. The noble Earl concluded by moving for the appointment of a Select Committee.

THE LORD CHANCELLOR conceived that the proposition made to their Lordships by the noble Earl was one which, if sanctioned, would make that House a universal court of inquiry in all cases where persons fancied they suffered a legal grievance and ought to be encouraged in pursuing their legal remedy. He felt sympathy for the veterans whose case had found so able an advocate as the noble Earl; but it was quite out of their Lordships' power to do anything in their behalf. But the case stated to the House was purely a question of legal right. The case laid before them by the noble Earl was, that for several centuries too great a portion of the revenues of the charity had been appropriated to the dean and chapter, and far too small a portion to the Poor Knights. This was entirely a question of legal right for a court of law to decide. Supposing the Committee granted, and that their Lordships came to the conclusion that, according to the true construction of these charters and deeds, the rights of the parties whose case the noble Earl advocated had for two centuries and a half been misunderstood, what could their Lordships do but leave the parties where they were before, letting them assert their own rights? The noble Earl had spoken with some horror of sending the Poor Knights to the Court of Chancery. Now, it might be a misfortune to be compelled to resort to the Court of Chancery at all, but he (the Lord Chancellor) believed that in respect to a question of this sort, where it was only to be established, aye or no, whether a right existed, the Court of Chancery proceeded with as great rapidity as any tribunal could safely act. But whether that were so or not, the Court of Chancery was nevertheless the proper tribunal to decide the case which the noble Earl had now brought before their Lordships. He could not help thinking that there were almost insuperable objections to the appointment of a Committee, and he asked their Lordships whether they were likely to be able to comprehend the merits of a complicated case, depending upon the consideration of ancient deeds of the time of Henry VIII., Edward VI., and Elizabeth; and whether they could come to a conclusion on this claim of rights? He apprehended that the proposed inquiry fell not within the legitimate duties of that House; and he saw insuperable difficulties in the way of granting the Committee—not the least being the impossibility of drawing a line between this and other cases, and of preventing, if the present Motion were sanctioned, the House from being made a general court of inquiry in favour of all persons believing themselves to suffer under a legal wrong. The noble Earl had imagined that the individuals whose cause he advocated would experience great difficulty in prosecuting their claim before a court of law; but it should be borne in mind that any parties not in a condition to bear law expenses might have their case, under certain circumstances, conducted without expense. There was likewise another course of proceeding which the noble Earl's clients might adopt; they might present a memorial to the Attorney General; and, if that functionary thought the case a fitting one for investigation, he could, *ex officio*, institute proceedings. When this matter was mentioned to him some three or four weeks ago, he yielded to the suggestion which some one then made, that it might be referred to the new Board of Charity Commission; but the learned persons composing that Board made an objection which was perfectly conclusive—namely, that they had no jurisdiction in the question, for the Charity Act excepted from the jurisdiction of that Board all collegiate and cathedral churches; and these Poor Knights, it seemed, were integral parts of the collegiate church of St. George, Windsor—a circumstance of which he was not at the time aware. Under these circumstances, all that he could suggest was, either that these parties should of their own authority institute legal proceedings, or present a memorial to the Attorney General, satisfying him that it was a case in which he ought to interfere. He (the Lord Chancellor) doubted whether that officer would come to such a decision, because, where, whether rightly or wrongly, a state of things had gone on for about two centuries, that might not be deemed a very reasonable case for any interference on the part of the Attorney General. Still, it was open for these parties to pursue that course, and, if they did not take it, they must then do as other persons did who believed themselves to be deprived of their rights—they must have recourse to the ordinary tribunals of the land. With respect to the proposed Committee, he conceived that the granting of it would be dangerous in itself, and might be a precedent for still more dangerous applications hereafter.

Lord CAMPBELL said, that having been alluded to, he would trespass for a few moments on their Lordships' attention. He had the greatest possible respect for the parties whose case had been brought before the House; but he must decline giving any opinion in that House on the case, even if his recollection enabled him to do so. But he remembered nothing at all of the merits of the case, which had been so fully pleaded by the noble Earl, from whose able advocacy it might be inferred, that if the noble Earl had devoted himself to the practice of the Court of Chancery he would by this time have been sitting on the woolsack. That House was not the tribunal to which, in the first instance, the parties ought to come, and he apprehended that the proper tribunal to take cognisance of such a case was the Court of Chancery. Let the clients of the noble Earl go into the Court of Chancery, and, with his assistance, their case would be most ably pleaded, and full justice would be done. He (Lord Campbell) would likewise repeat what had fallen from the noble and learned Lord on the woolsack, that the Attorney General, whatever might be his political opinions, would most eagerly and zealously attend to such a case if he thought it a fit one for interference.

Lord BROUGHAM said that, having been alluded to by the noble Earl, in consequence of having formerly taken a part in the great question relating to the abuses of charitable trusts, he wished to say that he could not approve of the present proposal for the appointment of a Committee. What such a Committee would have to inquire into would be whether the case of the Poor Knights or that of the dean and canons was the better in point of law. That was an entirely legal question; and, if argued before the proper tribunal, the Court of Chancery, it might afterwards come before their Lordships in their judicial capacity as a Court of Appeal. This showed the extreme inconvenience of the proposed course. At the same time, he could not help thinking that it was somewhat hard on these parties that they should, in consequence of being excluded, by an exception in the Charitable Trusts Act, from the cognisance of the Board appointed under that Act, be driven to another and more expensive and more tedious and anxious course of proceeding—namely, an application to the Court of Chancery. Considering, then, that these parties had a case as against the chapter and against the Government, in so far as the Government, listening to the recommendation of the Ecclesiastical Commissioners, had taken possession of part of the canonries, to the exclusion of the rights of these Poor Knights, and considering the hardship they suffered in being excluded from the easy, summary, and cheap remedy afforded by the Charitable Trusts Board, he could not help expressing his earnest hope that the law officers of the Crown would lend a favourable ear to the representations of these gallant and meritorious persons; and he should hope that the costs of the proceedings, regard being had to the hardship of the case, would be borne not by the Poor Knights, but by the Government.

Earl FITZWILLIAM conceived that the speech of the noble and learned Lord on the woolsack constituted a powerful argument in favour of the Motion, because the noble and learned Lord had pointed out that, by a singular exception in the Charitable Trusts Act, whatever injustice might be done by collegiate establishments, there was no remedy under that Act. He, therefore, thought it was a case for the interference of Parliament. True it was that the noble and learned Lord on the woolsack had said that the parties might go to the Court of Chancery; but surely it must be obvious that it would be rather hard for these Poor Knights to enter into litigation with the Dean and Chapter of St. George's, Windsor—and what had passed in the course of the present discussion led him to think that the dean and chapter would be supported by the Government. It had been said that the Attorney General would act *ex officio*, but still the Attorney General must be moved. One of the duties of the Government was to inquire into cases like the present, where the parties might have a difficulty in proceeding at law. He should be glad to hear that the Government would bear the costs of the suit, and then, indeed, much of the ground for the appointment of the Committee would be removed; but as he perceived no intention on the part of the Government to do that, he thought it expedient for Parliament to interfere, and he looked upon that House as being a more fitting branch of the Legislature for such interference than the other House. So far as he understood the case, it appeared to him that, unless there was some interference on the part of Parliament, it would be quite in vain for these parties to look for any remedy for the grievances of which they complained. It had been said that the House of Lords was not the place to pronounce, in the first instance, on a legal question, but still the House of Lords might be a very good body to inquire whether there was not a case proper to be brought before the legal tribunals.

The Earl of ALBEMARLE, in reply, said that, as the noble and learned Lords who had spoken considered the case a very hard one, he would not divide the House on the Motion, if he received any intimation from them that they would support him in some future Motion for an Address to the Crown to instruct the Attorney General to institute proceedings on behalf of the parties whose case he had brought before the House.

Motion, by leave of the House, *withdrawn.*

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, June 9, 1854.

Minutes.] New Writ.—For the City of London, *v.* Lord John Russell, Lord President of the Council.

Public Bills.—1° Convict Prisons (Ireland).

2° Common Law Procedure; Bills of Exchange (No. 2).

SUPPLY—MISCELLANEOUS ESTIMATES.

Order for Committee read.

House in Committee, Mr. Bouverie in the Chair.

The following Votes were then *agreed to*—

(1.) 2,700*l.*, Lord Privy Seal.

(2.) 23,850*l.*, Paymaster General's Office.

(3.) 7,295*l.*, Comptroller General of the Exchequer.

(4.) 20,124*l.*, Office of Works and Buildings.

Sir HENRY WILLOUGHBY said, he wished for some explanation with respect to the appointment of two additional secretaries—an assistant secretary and an architectural secretary—at 200*l.* and 400*l.* a year.

Mr. J. WILSON said, the appointments had been made in accordance with the recommendation of the Commission, who found that the increase of business warranted the additional assistance.

Mr. W. WILLIAMS said, he should be glad to know what this increased business might be.

Sir WILLIAM MOLESWORTH said, the Commission, consisting of Sir Stafford Northcote and Sir Charles Trevelyan, had considered the question of the amount of business transacted in the Board of Works, and reported that it could not be properly performed without additional assistance.

Sir HENRY WILLOUGHBY asked an explanation with reference to the assistant architect.

Sir WILLIAM MOLESWORTH replied, that the architectural assistant had been for some time employed by the Board of Works to carry on the works at the Embassy at Constantinople. On his return to this country he continued in office in connection with the Board, and was at this moment employed in their service.

Mr. W. WILLIAMS said, he did not quite understand the appointment of the Commission to which the right hon. Baronet had referred. He was sure that, if the right hon. Baronet had come to that House and said he required more assistance in his department, no one would have refused it. Why was application not made to that House?

Sir WILLIAM MOLESWORTH repeated that the Commission had been named in consequence of an application made to the Treasury; and when their Report was laid before the House the additional secretary was appointed.

Mr. HUME said, he wished for some explanation as to the sum of 401*l.* inserted as the salary of the architectural assistant from November, 1853, to March, 1855, and would really like to know for what purpose such an office had been created?

Mr. J. WILSON said, that the office referred to was not in any way a new office, but had existed for some time. None of the public money was wasted by having such an officer to assist them, because if Government did not employ him, they must employ strangers, and that probably at a much increased rate.

Mr. HUME said, he was satisfied with the hon. Gentleman's answer, and he thought Government ought to have a competent person in this department whom they could consult when necessary.

Vote *agreed to.*

(5.) 22,846*l.*, Office of Woods, Forests, and Land Revenues.

Mr. VANCE said, he must call attention to the large sum subscribed by Ireland to this Estimate, and at the same time he must complain that the sister country should obtain such a few corresponding advantages in the shape of city improvements, &c. The city of Dublin was, perhaps, the chief sufferer, and, as compared with the English metropolis, met with the most niggardly treatment. A street was very much required from the Dublin Four Courts to one of the great railway termini, but the improvement was not carried out.

Sir JOHN SHELLEY said, that the salaries of two Commissioners were charged in this account. He understood Mr. Kennedy had been induced to resign his office. Was that office about to be filled up?

The CHANCELLOR of the EXCHEQUER said, the office of Mr. Kennedy was virtually vacant. It was a serious question, and the Government had not yet come to any decision on the subject.

Mr. W. WILLIAMS said, he wished to call attention to the large sum of 1,500*l.*, which was set down as the probable amount of the bills of the solicitors of the department in Scotland, although a very small portion of the Crown revenues in Scotland came into the public purse. He believed that those revenues were taken very good care of in Scotland, and applied to public objects in that country. The same observation applied to the sum of 300*l.*, which was set down for the solicitors in Ireland.

Mr. J. WILSON said, in referring back to the question raised by the hon. Member for Dublin (Mr. Vance), he wished to observe that that hon. Gentleman was under a mistake with regard to the sources from which public improvements were made in London, and that no such improvements were made out of the income from the land revenues. It was true, that in the first instance the necessary payments were paid from that source; but ultimately the whole expense was borne by the inhabitants, who had suffered themselves to be taxed by an additional duty on coals for that purpose. The expense, therefore, of those improvements, although paid in the first instance by the public, ultimately fell on the inhabitants of the metropolis itself. The proposal which was made to the Government with reference to the city of Dublin, although he admitted it had the sanction of the Lord Lieutenant of Ireland, was at variance, as far as he (Mr. Wilson) was aware, with every precedent for the expenditure of public money in this country. With respect to the Crown revenues in Ireland, they were not so productive as some Gentlemen appeared to imagine. The amount of the legal expenses was to be explained by the fact that a great many sales of outlying properties had been effected, and other properties purchased in their stead, the object being to concentrate the property of the Crown as much as possible.

Mr. WHITESIDE said, he must complain of the conduct of the Treasury in refusing to sanction the necessary outlay for the creation of the new street in Dublin, alluded to by his hon. Friend (Mr. Vance), and referred to the answer given last night on the subject of erecting a new building for the purposes of the Encumbered Estates Court. He was not surprised at the answer given to his hon. Friend on the subject of the new street after witnessing the ineffectual efforts of the Lord Chancellor, the entire bar of Ireland, and the whole body of the solicitors, who had petitioned the House of Commons for redress, to erect a proper place for the transaction of business where property amounting to millions was disposed of. He maintained that from wherever the funds came money ought to be found for so very essential a purpose. With regard to the large sum to be paid to the solicitor for Scotland, finding it entered under the head of "probable amount of the bills" of the solicitor for Scotland, he could not help stating that that was rather a loose way of asking for a Vote. He had no doubt, however, but that the amount of the bills would be made up to 1,500*l.* if the Committee voted that sum.

Mr. MACARTNEY said, he wished to observe that the Crown property was notoriously the worst managed property in Ireland, and that it was positively a source of nuisance to gentlemen whose property adjoined it. He thought the Government ought to take the very earliest steps to dispose of the whole of it.

Mr. HUME said, he wanted to know, seeing that a sum of 2,843*l.* was paid to the ranger of Richmond Park—and that ranger a lady of high rank—why it was that the public interests were not better looked after? He must say he altogether objected to individuals of Royal rank, who were otherwise amply provided for, being placed in situations where public money was misapplied or misappropriated. The House of Commons had long since declared that no situations were to be filled by deputy; and why, then, was it to be suffered that in this instance duties of importance were performed through a deputy. He believed that the time had come when all such appointments must be done away with.

MR. W. WILLIAMS said, he hoped the Government would not yield to the pressure which was attempted to be put upon them in reference to providing a place for the Encumbered Estates Court in Ireland. He objected to the application of public money to benefiting individuals in the disposal of their private property.

MR. WHITESIDE said, he believed that when Government undertook the important duty of reforming the administration of the law, it was bound to provide for the efficient carrying out of its own project. However, to meet the objections of the hon. Member for Lambeth (Mr. W. Williams), he would say at once that he had no objection to see a small percentage charged upon the suitors to the Court, to create the necessary funds for the erection of a new building. What he desired to see was the perfect and satisfactory administration of justice in a Court which he believed, notwithstanding what had been said last night, was still destined to last from ten to fifteen years longer.

SIR JOHN YOUNG said, that the whole question was still in abeyance, in consequence of its not yet being definitely settled whether the operations of the Court were to be conducted for the future through a reformed Court of Chancery, in which case it was obvious that any outlay upon an Encumbered Estates Court would be thrown away.

MR. WHITESIDE said, he must beg to remind the Committee that the right hon. Baronet and Gentlemen opposite had opposed a Bill of his for the reform of the Irish Court of Chancery, which in the course of time would have saved the country some 150,000*l.* on account of the Encumbered Estates Court; and this he did merely, as he believed, because the measure emanated from that, the opposite, side of the House.

SIR JOHN YOUNG said, he must protent against the insinuation of the hon. and learned Gentleman.

Vote *agreed to;* as was also—

(6.) 2,791*l.*, State Paper Office.

(7.) Motion made, and Question proposed—

"That a sum not exceeding 3,463*l.* be granted to Her Majesty to defray a portion of the expenses of the Ecclesiastical Commissioners for England, to the 31st day of March, 1855.

MR. W. WILLIAMS said, it was his intention to divide the Committee on this Vote. It was impossible that the public could derive any advantage from the property which this Commission managed. He admitted that the property had been improved; and, as a churchman, he approved of the application which had been made of the augmented income which had been obtained, but thought it most unjust that the expense of the Commission should be thrown upon the public.

MR. HADFIELD said, he also should oppose the Vote, upon the ground that the expenses of managing a trust estate ought to be paid out of the estate itself, before the parties beneficially interested took any advantage from it.

MR. J. WILSON said, the Commission was appointed in accordance with an Act of Parliament, and that the objection ought to have been raised against the appointment of the Commission in the first instance, and not against this Vote now that it had been appointed.

MR. EVELYN DENISON said, he should reserve some observations which he had intended to make in reference to the powers of the Ecclesiastical Commissioners, and the exercise of those powers, until the House should be called upon to give a second reading to a Bill, which he understood was about to be introduced, in reference to the Church Estates Committee. With respect to this immediate Vote, he believed there was an agreement between the Government and the heads of the Church, that this small payment should be made to defray the expenses of the Commission, and he also thought there was an advantage in bringing the consideration of this subject annually before Parliament. If, therefore, the hon. Member for Lambeth should press his Amendment to a division, he should not be able to support it.

MR. HUME said, he thought the time was come when the Church—improved as she was in her prospects and in her property—ought to pay her own expenses. He must vindicate the right of the House to deal with this Vote, notwithstanding the existence of the Act to which the Secretary of the Treasury had referred, and he wished for some information as to the deficiency of 7,000*l.* or 8,000*l.*, which had been discovered some time ago.

Mr. VERNON SMITH said, he thought it high time for the Government to reconsider this Vote. He did not see that it involved any great principle, but it was a Vote which ought not to appear on the Estimates, and he should certainly vote against it. If the matter were brought under the consideration of the Bishops, he did not think they could object to paying the amount out of the revenues of the Church.

Mr. MACARTNEY said, it was important that the funds to be applied to the Ecclesiastical Commission in Ireland should appear in the same Vote. That Commission was most expensive and badly managed. It was desirable that there should be some control for the better arrangement and execution of the office. He hoped that the matter would be brought forward in such a way as would give some control over the Commission.

Mr. J. WILSON replied that the Commissioners were paid out of the funds of the Commission.

Mr. HUME said, he should like to know what had become of the 7,000*l.* to which he had alluded.

Question put, the Committee *divided:*—Ayes 91; Noes 56: Majority 35.

Vote *agreed to.*

(8.) Motion made, and Question proposed,

> "That a sum, not exceeding 210,902*l.*, be granted to Her Majesty, to defray Expenses connected with the administration of the Laws relating to the Poor, to the 31st day of March, 1855."

Colonel DUNNE said, he wished to call the attention of the Committee to the amount allowed for the administration of the Irish Poor Law. The sums were monstrous and should be reduced. He considered that there was no necessity for two Commissioners for Ireland. The number of Assistant Commissioners ought also to be reduced; also the number of architects and assistant architects. Those were now totally useless. They had been building and rebuilding workhouses at an enormous expense, and to an unnecessary extent. As pauperism had diminished it was monstrous to have this enormous staff of architects to carry on buildings which were not required. He hoped that the Secretary for Ireland would give them some assurance of a prospect of a reduction in this Vote. He thought he (Colonel Dunne) could observe, on reading the Report of the Commissioners of the Poor Laws, great anxiety on their part to grasp other business than that which they had. They evidently saw that the country would not stand this expense much longer, and they were desirous of extending their duties. Before he sat down he must call the attention of the Committee to another item in the Vote, which he considered most unfair as regards Ireland. In the English Poor Law expenditure there were grants for the auditors and schoolmasters, but there were none for Ireland. There was also an item for the medical attendance for the unions in England, which was not granted to Ireland. He could see no reason why these sums should be paid out of the Consolidated Fund in England. He should be glad to know how any reformer could point out the difference between the two countries which would entitle the people of England to those grants and not the people of Ireland. He asked for a Committee to inquire into this matter, in order to prove the injustice with which Ireland was treated. As the Votes proceeded, he would point out how Ireland was exempted from other benefits in the expenditure of the public money.

Sir GEORGE PECHELL said, he saw in the Vote for the Poor Law Board in England that there were no less than four secretaries who received salaries of 1,500*l.*, 1,000*l.*, 1,200*l.*, and 800*l.* a year. A Lord of the Treasury was only paid 1,000*l.* a year; a Lord of the Admiralty received a similar sum; Sir Baldwin Walker, the Surveyor to the Navy, only received 1,000*l.* a year; the secretary to the Ecclesiastical Commission, 883*l.*; the secretary to the Woods and Forests, 1,200*l.*; and he could not understand the propriety of paying such large salaries as those which appeared in the Vote to the four secretaries of the Poor Law Board. He thought some oversight had been committed; and, for the purpose of making a deduction of 500*l.* a year, he would propose that the vote be reduced to 210,402*l.*

Motion made, and Question proposed,

> "That a sum, not exceeding 210,402*l.*, be granted to Her Majesty, to defray Expenses connected with the administration of the Laws

relating to the Poor, to the 31st day of March, 1855."

Mr. BAINES said, he wished to state, in answer to the observations of the hon. and gallant Member for Brighton (Sir G. Pechell) that before the establishment of the present Poor Law Board there were three Commissioners, each of whom received a salary of 2,000*l.* a year, making altogether a sum of 6,000*l.* a year. In the place of these three Commissioners, a president and two secretaries were now appointed, and a considerable saving in the expenditure had been thereby effected, for, whereas the expense of the three Commissioners was formerly 6,000*l.* a year, the expense of the President of the Poor Law Board and two secretaries was only 4,500*l.*, making an annual saving of no less than 1,500*l.* He might remind the Committee that it had been intended by the Government of Lord Derby to institute an inquiry into the whole subject of the Poor Law Board, and that, indeed, some steps were taken to effect that object. When he succeeded his right hon. Friend opposite (Sir J. Trollope) in the office of President of the Poor Law Board, he found matters in such a state that it was desirable to proceed with the inquiry. In the course of last year a careful and scrutinising inquiry was made, and the result was the Report presented on the 25th of February last, of "Committee of Inquiry into Public Offices and Papers connected therewith." In that volume a very full Report appeared upon the subject of the Poor Law Board, and the present Estimate was framed strictly in accordance with the recommendations of that Committee. The Committee inquired into every branch of the establishment, and if the hon. and gallant Member for Brighton would look over their Report he would find proper reasons given for any increase which might appear in the Estimate. No doubt, there were two points upon which an increase had been made, and one was with regard to the clerks. On looking into the subject, it was found that the clerks were much less paid, according to their merits and the amount of their work, than the clerks of any other Government department. Notwithstanding that the official duties of any one of these gentlemen might have extended over a period of twenty years, he had no claims to any superannuation allowance whatever, and in that respect the office was distinguished from those of other departments. The Committee found on inquiry that the increase recommended in the salary of the clerks was not more than was well warranted by the circumstances of the case. The only other head upon which there was any increase were the travelling and incidental expenses of the inspectors. He thought if the hon. and gallant Member for Brighton carefully read the Report of the Committee, he would not feel inclined to proceed with the Motion he had made.

Sir JOHN TROLLOPE said, he trusted he might be permitted to add a few words to those just uttered by the right hon. Gentleman the President of the Poor Law Board. He thought it his duty, when he held the same office as the right hon. Gentleman, to call attention to the condition of the clerks, and the low scale of their salaries. The diminution in the Vote which the hon. and gallant Member for Brighton proposed was exactly the reduction of that increase which had been made in the salaries of those clerks. He found, upon the representation of the clerks that they were paid much lower and on a much worse scale than the clerks of any of the other public offices. He did not think that it was just or right that they should be placed upon an inferior footing to that of other public offices, and he called the attention of the Treasury of the Government with which he had been connected to the fact. The Treasury, thinking that there was some foundation for those complaints made on behalf of those clerks, appointed a Commission of Inquiry, which was headed by Sir Charles Trevelyan. The Report of that Commission was in favour of a small increase to their salaries, and this increase, amounting to a few hundreds in the year, was made in favour of the junior clerks of the department. As the Irish department had been alluded to, he thought it might be fairly contrasted with the English Board. The income for the English poor amounted to about 6,000,000*l.*, and the expenditure of the department was only 35,728*l.*, whereas in Ireland the income did not exceed 800,000*l.*, and yet the expenditure of the department was 40,794*l.* The Irish Poor Law Department appeared to be placed on a still larger footing than that of England. He must say he concurred in the observations of his hon. and gallant Friend the Member for Portarlington (Colonel Dunne) in reference to the propriety of cutting down the Irish Poor Law Board. He had no connection with the department, nor was it likely that he would ever again be called into the office he had formerly held, but nevertheless he must say that in his opinion that portion of the public service was conducted in as efficient and economical a manner as it was possible to conduct it. He could suggest no alteration for the better, and he found upon looking at the Report of the Commission that a number of persons who had been employed temporarily as copyists were recommended to be placed upon the permanent staff, so as to carry on the business more efficiently than could be done with the present limited staff of public servants. He was sure that the right hon. Gentleman who now presided over this department was equal to any officer of the State in the zeal and fidelity with which he discharged his duties, as well as in the excellent and economical arrangements he had introduced.

Mr. FRENCH said, he was glad that the right hon. Gentleman condemned the wasteful and enormous expenditure of the Irish Poor Law establishment. It was his belief that a considerable reduction could be made. He did not see any necessity for two additional Commissioners, and thought a saving of 1,200*l.* a year in respect to them might be easily effected.

Mr. W. WILLIAMS said, he wished to bear his testimony to the efficient manner in which the department of the English Poor Law Board was managed by the right hon. Gentleman (Mr. Baines). Until he came to that department, the New Poor Law had got into bad repute, and was believed to be badly managed, but his right hon. Friend had reformed it throughout, and since he accepted the office of President of the Poor Law Board, he believed there had not been one single complaint as to the manner in which the affairs of the department were conducted. The expenses of the English Poor Law Commission were 35,728*l.*, of the Scottish Board 3,880*l.*, and of the Irish Board not less than 40,794*l.*, for the management of funds which amounted to only one-eighth of the rates administered by the English Board. Such a state of things was perfectly monstrous.

Mr. BAINES said, he wished to explain that the Commission had never recommended a reduction in the salary of the permanent secretary to the English Poor Law Board. The salary of the Parliamentary secretary had been reduced from 1,500*l.* to 1,000*l.* per annum, but the salary of the permanent secretary remained at 1,500*l.* He wished to take this opportunity of expressing his confident conviction that there never was a public servant who discharged his duties with more ability, more diligence, and more efficiency than his noble Friend Lord Courtenay.

Mr. MACARTNEY said, he wished to call attention to the necessity which existed for reducing the expenses of administering the Poor Law in Ireland. These expenses amounted to no less than 40,794*l.* a year, as compared to 3,880*l.* in Scotland, and 35,728*l.* in England. At the present moment there were numerous workhouses in Ireland which were all but emptied of their inmates, and the table of the House of Commons was covered with petitions from Irish Unions, in favour of reducing the staff in such establishments, and removing the few inmates that remained to the workhouses of neighbouring Unions. These petitions also generally prayed for an inquiry into the administration of the Poor Law in Ireland—a measure which had been repeatedly called for since the occurrence of the famine in 1846, but hitherto without avail. Now, a Commission of Inquiry had been appointed in the case of England, the result of which had been to diminish the cost of the effective staff to 35,728*l.*; and he claimed for Ireland that the House of Commons and the Government should sanction a similar Commission to inquire into the working of the Poor Law there, with the view of making it more subservient to the wants of the country, and at the same time less burdensome to the owners and occupiers of property. He would not now propose to reduce the various items in the Vote, from a desire not to inconvenience the public service; but he certainly thought that one Commissioner, one assistant secretary, six inspectors, one architect, and several officers of that kind, might be dispensed with with great propriety.

Sir JOHN YOUNG said, that there were some points of difference between the English and Irish Boards which ought to be borne in mind. The expenses of the auditors in England amounted to 15,000*l.* This item was not included in the Estimates, but the Irish Vote included the salaries of the auditors (3,300*l.*). It must be recollected that the system of Poor Laws, which had been long established in England, was in Ireland a perfectly new system, and the local authorities were not acquainted with the management and details of a Poor Law. It was necessary to appoint Commissioners to administer the law, and many duties and responsibilities fell upon them which did not fall upon the English Poor Law Board. That was one reason why more than one Commissioner was appointed in Ireland. The Vote for the Irish Board showed a decrease this year, the Vote of last year having been 48,131*l*., and of the present year 40,794*l*. The Vote of last year was also a reduction upon the two previous years. He would promise that inquiry should be made, and that every possible reduction that could be made without lessening the efficiency of the establishment should be carried out. The medical commissioner and the five medical inspectors were only appointed the year before last, in compliance with an Act of Parliament. The attention of the Poor Law Commission for Ireland and of the Treasury had for some time been closely directed to this question of the reduction of expenditure, and he would promise that in future continued attention should be paid to it, and that, where possible, further reductions should be made. It must be borne in mind, that the Act which created a medical commissioner and five medical inspectors only came into operation the year before last. Very lately a Commission had inquired into the remuneration of the clerks in the office in Dublin, and had recommended that the number of clerks should be reduced. That recommendation was about to be carried out. The expenses of the architect had arisen from the large number of workhouses which had recently been erected. A few years ago the number of workhouses in Ireland was but 131, now it was 161. The item of 3,000*l*. for contingencies which appeared in this Estimate would in future years be discontinued.

MR. WHITESIDE said, he could assure the right hon. Gentleman that there was a universal feeling in Ireland that the whole expenditure of the Irish Poor Law Board was unreasonable. There was a large staff of inspectors, but in many places there was no one to inspect. In one Union the guardians had applied for leave to shut up their workhouse, stating that the staff cost four times as much as the few paupers who were left in it. Great changes had taken place in Ireland. In many workhouses there were no paupers, yet the staff continued upon a monstrous scale. The labouring population were leaving their native shores, and were sending for their friends to follow them across the Atlantic. What they wanted was a pledge for a Commission of Inquiry into these expenses.

MR. KIRK said, he thought that a poor country like Ireland ought to be put on the same footing as England. He did not wish to offer a factious opposition to the Vote, but he certainly considered that a searching inquiry was necessary.

MR. HUME said, he gave the hon. Members for Ireland great credit for the candid manner in which they had treated this question. As an inquiry had been made in England, the same kind of inquiry should take place in Ireland, and Her Majesty's Government ought to give a pledge to that effect. No distinction should be made between the two countries, but, if any were allowed, it ought to be in favour of the latter.

SIR JAMES GRAHAM said, he quite agreed with his right hon. Friend the Secretary for Ireland, that they ought not to forget the differences in the circumstances of the two countries with respect to the relief of the poor. In England the system of administration of that relief was ancient in its character, and had fallen, by lapse of time, into abuse, which had been corrected by the Poor Law Amendment Act; but in Ireland the evil arose from the total absence of any organised system whatever until the recent enactment. When that system was first introduced it met with much resistance, but by the fostering care of the Government it had been ultimately received and attended with many advantages. He would, however, admit that all the appliances necessary to bring that system into effective operation in the first instance were not now required, and within the last five years the expenses had been greatly reduced; indeed, he understood, that within the last year the expenditure had been reduced from 48,131*l*. to 40,794*l*. The Government had been asked for a pledge for a Commission of Inquiry, but he was sure the Executive Government were more competent than any new Commission that could be appointed to inquire into the matter, and ascertain where the expense might be reduced, and he understood his right hon. Friend the Secretary for Ireland to give a distinct assurance that a strict inquiry on the part of the Irish Government should be made. Another subject had been adverted to, that of the desirability of closing workhouses in certain Unions in Ireland, but he thought, although the number of paupers had decreased, the adoption of such a course would be totally inconsistent with the maintenance of the system. He was quite sure, if any reduction could be made which would not be inconsistent with the efficiency of the system, that it was the duty of the Government to make such reduction, and he understood his right hon. Friend to give that assurance.

SIR BENJAMIN HALL said, one important fact elicited by this discussion was that which had been recognised by the country at large—namely, the increasing prosperity of Ireland. He agreed with the right hon. Baronet at the head of the Board of Admiralty, that it would be extremely unwise to shut up the workhouses, for they had great effect upon Irish pauperism, and he was apprehensive, if they were closed, they would have a repetition of the scenes of vagrancy and pauperism which that country exhibited some years ago. He also thought the suggestion which had been made by his right hon. Friend was a sound one, that they ought not to delegate authority to any Commission of Inquiry, but that, as the right hon. Secretary for Ireland had given an assurance that he would make the inquiry and ascertain where reductions could be properly made, the responsibility should rest upon him.

LORD NAAS said, he considered the assurance given by the Government satisfactory. The fact was that reductions had taken place of late years in far greater amount and proportion than the reduction in the poor rates. Two years ago a reduction was made of one-third of the inspectors, a large number of clerks were dismissed, and the general expenses of the establishment reduced more than one-third. That was in the year 1852. Still there was room for doing a great deal more. The number of inspectors might, he thought, with great advantage, be yet further diminished, seeing that there were a great many Unions in Ireland where there was now so much less to do than a few months ago only. As to the closing of Union houses, although there was at present a great increase of prosperity in Ireland, he thought they should not go too fast in that direction. At all events the workhouses should be kept in an efficient state, so that they might be available when required. He could not, however, see any great danger where the inmates of a workhouse did not exceed thirty or forty, in allowing them to be transferred to the workhouse of a neighbouring Union, at the same time taking care to keep the house from which they were removed, and necessary appurtenances, in a state of efficiency and good repair.

SIR GEORGE PECHELL said, that after the assurance which had been given on the part of the Government, he had no objection to withdraw his Amendment.

MR. MACARTNEY said, he must complain that the pledge given by Sir Robert Peel in 1846, that certain charges which were borne partly by the county rate and partly by the Consolidated Fund in England and Ireland, should, in consideration of the altered system he introduced in the commercial policy of the country and the abolition of the Corn Laws, be thereafter transferred to the Consolidated Fund, had not been fulfilled to the same extent in the case of Ireland as in that of England. One expense was the removal of convicts. Then came the medical officers; half the expense of which, namely, 80,000*l.* a year, was borne by the Consolidated Fund in this country. Sir Robert Peel had said that Ireland was obliged to be exempted on the occasion in question, because the medical charities were not on the same footing as those of England. But they had since then been placed on an identical footing, and yet his promise was left unperformed by his successors. The right hon. Baronet opposite had said that Ireland got a moiety of the expense of the constabulary force in lieu of those advantages. But, though that was a great deal, he (Mr. Macartney) begged to remind the Committee, that this force was first established for the purpose of relieving the large military force previously kept up in Ireland; and that it had done so to the extent of 7,000 men in the space of three years. He (Mr. Macartney) had last year proposed a supplementary Vote for Ireland to meet this case. On that occasion the Chancellor of the Exchequer had said that he was not aware of the promise of Sir Robert Peel, though the question as regarded expediency and policy was one that deserved consideration; but, at the same time, he stated he was not prepared to agree to the supplementary Vote. The right hon. Secretary for Ireland on that occasion, too, said the whole subject was worthy of consideration; but still nothing had been done to remedy the wrong.

He (Mr. Macartney) had urged the question more than once upon the House and upon the Government; and he should continue to do so as long as the evil he complained of remained unredressed. All he asked for was inquiry into the subject. He rested on the promise of Sir Robert Peel and upon the admissions of the Government; and he hoped, therefore, that the matter would be taken into consideration.

MR. ADDERLEY said, he thought the large sum spent yearly in the salaries of schoolmasters and schoolmistresses for our Poor Law Unions was not so much money thrown away as absolutely applied to the detriment of the country, and he thought the right hon. Gentleman the President of the Poor Law Board would concur in that opinion. The pauper schools existing throughout the country had the effect of raising up an hereditary race of pauper boys and girls, who became a burden upon the public. These schools were under the control of the guardians, who were generally a class of men who could not see very far before them, and who were seldom willing to make any outlay for any purpose, however important to the public, or however small the sum it required to be put down at the time, with the certain prospect of ultimate benefit and permanent saving to the country. Taking the number of pauper children in England at 25,000, they might be divided into groups of 500 each, and sent to district schools unconnected with the workhouses; and this sum of 22,000*l.* now voted for schoolmasters and mistresses would not only provide teachers, but would leave a surplus to be applied in aid of the voluntary subscriptions now being raised to establish district schools throughout the kingdom for this class of children. Three schools of this character had already been established in London, one in Hampshire, and another in Shropshire; and experience showed that they were a great improvement upon the existing pauper schools. The system of making loans from the Treasury for providing these district schools in different localities had been recommended, but that plan was clogged with the condition that the loans must receive the assent of the poor law guardians. If, instead of loans to a small amount, grants of larger extent were made, great advantage would accrue to the public, by removing these children from the workhouses and placing them in proper schools, where they would receive an education that would fit them to become useful members of society. He wished to ask the right hon. Gentleman the President of the Poor Law Board whether he could not hold out some encouragement to his (Mr. Adderley's) own county, Warwickshire, and other districts where a desire was felt to set on foot schools of the character he had stated.

MR. BAINES said, that he had done his best to co-operate with the hon. Gentleman (Mr. Adderley) in the object he had in view, the attainment of which throughout the country generally, he agreed with him, was likely to be attended with the most beneficial results, judging from the experience they had acquired in the working of these district schools in six instances where they had been already established. He (Mr. Baines) had therefore taken every opportunity of advising boards of guardians to adopt this system, which he believed would be a wise one even in point of economy; because nothing, in his opinion, would tend more to check hereditary pauperism, as the hon. Gentleman very properly termed it, than the general introduction of schools of the kind suggested, unconnected with the workhouses. At the same time, it was only right to state that at present there were many schools connected with large parishes in the metropolis, and one in Manchester, and another in Liverpool, and others in various parts of the country, where there could be no question that a great amount of good was done, and much evil averted, by the efforts that were made for the education of poor children. Nevertheless, he freely admitted, as he had said, that it would be preferable that the schools should form no part of the workhouse system. Do what they could, evils must arise from mixing the children with the adult paupers; and yet he feared that it was impossible to do away with those evils altogether. To mitigate them, however, the Government had applied themselves, and he trusted not without effect; and he hoped that when the guardians saw the success of the experiments that had been made in this direction, they would be induced to lay aside the prejudices that had hitherto prevented them from encouraging the institution of these schools. His right hon. Friend the Chancellor of the Exchequer and his hon. Friend the Secretary to the Treasury had devoted themselves earnestly to furthering this desirable object; and the Government, who were fully impressed with its importance, would be wanting in no endeavour hereafter to advance it.

Mr. J. BALL said, he concurred with the representation of the hon. Member opposite (Mr. Adderley). He was clearly of opinion that grants in aid of local rates would be the best for the purpose in view. He agreed with the hon. Member for Antrim (Mr. Macartney) that the subject required revision, as regarded schoolmasters; and he hoped it would receive consideration. He (Mr. Ball) denied that the Poor Law in Ireland was more expensive than the Board in England, because it was a most efficient machine for the conduct of the public business. He was opposed to any small economy in the shape of reducing the salaries of clerks, and he hoped that no ill-judged change in that respect would take place.

Captain SCOBELL said, he wished to caution the Committee against doing more for the education of pauper children, either in workhouse schools or in district schools, than was done—in the absence of any general system of education—for the instruction of the children of independent labourers. If they were not careful, they would hold out a bonus to persons to send their children through the workhouse to the district schools.

Colonel DUNNE said, he was not anxious to propose any sudden or extreme change. The Irish people had paid over and over, in the income tax, the difference claimed. As to Sir Robert Peel's promises, they had all been violated. The Irish were like the Greeks in Turkey, they were allowed to pay taxes, but they were not permitted to defend their country by forming any part of the militia. The Poor Law had driven 2,000,000 of people from Ireland.

Sir JOHN SHELLEY said, he thought the time was come to reduce the cost of the Poor Law in Ireland. The expenses of poor law inspectors were 17,336*l.*, and he had no doubt that in many parts of the country the Poor Law would work without any inspector. He therefore hoped that a reduction in the number of these inspectors would be taken into consideration by the Government. There never was a time in the south of England when the agricultural labourers were better employed than at present; and he hoped, therefore, the subject of reduction in the expense of the Poor Law would be brought under consideration.

Mr. Baines

Motion, by leave, *withdrawn.*

Main Question put, and *agreed to.*

(9.) 82,504*l.*, Mint.

In reply to Mr. Apsley Pellatt,

Mr. J. WILSON said, that the Mint had been practically under the control of the moneyers, but it was now under the control of the Government; and there was no expense as regarded these persons but their retiring pensions, which were included in the Vote.

Mr. HUME said, he must complain that the expense of the Mint had increased, since 1849, from 43,000*l.* to 61,000*l.* He wished some explanation on the subject.

Mr. J. WILSON said, the additional sum on last year's expenses arose from the large increased establishment, working night and day for several months. There were 12,000,000*l.* of gold and from 2,500,000*l.* to 3,000,000*l.* of silver coined on that occasion. The Mint now undertook to forward silver and copper coinage to the Colonies, which were entirely supplied at present from this country.

Mr. HUME said, he thought there ought to be particular statements on the subject—as to the cost of coining, the amount stated, and other items. He hoped a more detailed account would be presented next year, especially what quantity of silver money was called in and what quantity was coined; and if the Colonies paid the expense of their own coinage.

Mr. APSLEY PELLATT said, he wished to know whether any profit had resulted by the adoption of the new system of contract. He wanted to know whether a debtor and creditor account could not be rendered for the information of the country? He also wanted to know on what fund the retiring pension of 500*l.* a year given to one gentleman had been charged? He also wanted to know whether a new mode of compensation in lieu of retiring pensions could not be devised?

Mr. J. WILSON said, five years ago Estimates relative to the changes then adopted in this department had been laid on the table of the House, and they showed that the saving was about 25,000*l.* a year.

Mr. HUME said, he was glad to hear this statement. He only wanted all proper information on the subject.

Vote *agreed to;* as were also—

(10.) 12,691*l.*, Public Records.

(11.) 15,115*l.*, Inspectors, Factories, Mines, &c.

(12.) Motion made, and Question proposed,

"That a sum, not exceeding 1,700*l.*, be granted to Her Majesty, to pay the Salaries of certain Officers in Scotland, and other Charges, formerly paid from the Hereditary Revenue, to the 31st day of March, 1855."

Mr. W. WILLIAMS said, he should move to reduce the amount by the sums of 98*l.* 16*s.* 6*d.*, 98*l.* 16*s.* 6*d.*, and 20*l.*, respectively required to pay for the Queen's Plate to be run at Edinburgh, the Queen's Plate to the Caledonian Hunt, and the Queen's Plate to the Royal Company of Scottish Archers, or Queen's Body Guard. He objected to these votes, not because of their amount, but on the principle that the national money ought not to be wasted on such objects.

Motion made, and Question proposed,

"That a sum, not exceeding 1,483*l.*, be granted to Her Majesty, to pay the Salaries of certain Officers in Scotland, and other Charges, formerly paid from the Hereditary Revenue, to the 31st day of March, 1855."

Mr. HUME said, he had a much larger item than those of his hon. Friend to object to—that of 840*l.* for the Queen's printer in Scotland. They had abolished the monopoly of Bible printing in Scotland, and they had thereby effected a saving of at least 100 per cent in its price; and he hoped this Session would not pass over before he had an opportunity of submitting a Motion to abolish the monopoly in England also. But while the monopoly was abolished in Scotland, they still retained an officer whose duty it was to examine all editions that were printed of the Bible, the Shorter Catechism, and the Scottish version of the Psalms, and they could only be issued with his sanction for their correctness. He thought the time was now come for the abolition of that office, and though he would not move the reduction of the salary now, he trusted the Government would consider whether the office might not be dispensed with next year. As to the Motion of his hon. Friend, if he pressed it to a division, he would vote with him.

Mr. J. WILSON said, he must congratulate the hon. Member for Montrose on the success which had attended his efforts for the abolition of the Bible monopoly in Scotland, and he thought the hon. Gentleman would have been the last to grudge the sum for the office of inspector, by which the country was reconciled to the absence of all other control over the accurate printing of the Bible. He would inquire, however, whether it would be consistent with the duty of the Government to propose any reduction in this Vote for another year. With regard to the sums objected to by the hon. Member for Lambeth (Mr. W. Williams) they were very small in themselves. They had formerly been defrayed out of the hereditary revenues of the Crown, and since the Parliament had had control over those revenues, they had continued them. He did not think it would be right now to withdraw from the societies alluded to these marks of Royal favour.

Question put.

The Committee *divided*:—Ayes 43; Noes 68: Majority 25.

Main Question put, and *agreed to.*

(13.) Motion made, and Question proposed,

"That a sum, not exceeding 6,283*l.*, be granted to Her Majesty, to defray the Charge of Salaries for the Officers and Attendants of the Household of the Lord Lieutenant of Ireland, to the 31st day of March, 1855."

Mr. W. WILLIAMS said, there was an item of 1,574*l.* 6*s.* 2*d.* for fifteen Queen's plates in Ireland, to which he entertained a similar objection to that he had stated with regard to the last Vote; but, having already taken the sense of the Committee upon the subject, he should not trouble them with a second division.

Mr. PETO said, he wished to know what was the intention of the Government with regard to the continuance of the establishment of the Lord Lieutenant of Ireland? Two years ago, when this subject was mooted, the country was led to believe that the Lord Lieutenancy of Ireland was to be abolished.

Mr. J. WILSON said, the subject had been fully discussed two years ago, and the opinion then generally expressed in Ireland was certainly that the office ought to be continued. The Government of the day yielded to that expression of opinion, and he was not aware of any intention on the part of the present Government to come to any other conclusion.

Mr. HUME said, the question was whether the Lord Lieutenancy was conducive to the good government of Ireland? He was of opinion—an opinion shared in by men greatly interested in the well-being of Ireland—that if the office were removed altogether the way would be paved to a better and more responsible system of government in that country. The Ministry, two years ago, ought not to have been frightened by the Irish interest.

Colonel DUNNE said, the question had been decided two years ago in accordance with what he believed to be the true interest of Ireland. At one time Irishmen might have thought no great good would be done by retaining the office, but since then they had seen the Lord Lieutenancy of the Earl of Eglinton, and he defied any person who knew of the good results which attended that nobleman's administration to be of opinion that the office should be abolished.

Mr. APSLEY PELLATT objected to the item of 184*l.* 12*s.* 8*d.* for chaplains to the Castle of Dublin, thinking that a chaplain was a luxury which, if the Lord Lieutenant of Ireland wanted it, he ought, like the Lord Mayor and Sheriffs of London, to pay for himself. He should move that the Vote be reduced by this amount.

Motion made, and Question proposed,

> "That a sum, not exceeding 6,058*l.*, be granted to Her Majesty, to defray the Charge of Salaries for the Officers and Attendants of the Household of the Lord Lieutenant of Ireland, to the 31st day of March, 1855."

Mr. VANCE said, he must defend the Vote, seeing no reason, as long as there was a Lord Lieutenant in Ireland, and a regular establishment attending him, why there should not be a Chapel Royal upon the same principle as in this country. The salaries for all the officers of that chapel were extremely moderate.

Mr. MIALL said, he objected to the grant of public money for religious purposes, but did not think that the present was the best item that could be selected for trying that question, and he suggested to his hon. Friend the Member for Southwark that he should withdraw his Amendment.

Motion, by leave, *withdrawn.*

Captain SCOBELL said, he had just voted against horse-racing in Scotland, and he could not allow the present Vote, which contained an item of 1,574*l.* for fifteen Queen's plates, to pass unchallenged. He objected to horse-racing being paid for out of the public money, and if at a commencement of a war they did not weed out expenses of this description, the very sound of which grated upon the public ear, they would not be wise. He moved, as an Amendment, that the vote be reduced by 1,574*l.*

Motion made, and Question proposed,

> "That a sum, not exceeding 4,709*l.*, be granted to Her Majesty, to defray the Charge of Salaries for the Officers and Attendants of the Household of the Lord Lieutenant of Ireland, to the 31st day of March, 1855."

Mr. HENCHY supported the Vote upon the ground that it was calculated to promote the breed of good horses.

Colonel PEEL said, he would beg to remind the Committee that the duty paid upon a racehorse was 3*l.* 17*s.* 6*d.* per annum, while upon other horses it was only 1*l.* 1*s.* Let them place racehorses upon the same footing with others, and he, as one of the representatives of the racing community, would never ask for Queen's plates or anything of the kind. He was quite willing to enter into a compact to that effect.

Question put.

The Committee *divided:*—Ayes 51; Noes 85: Majority 34.

Main Question put, and *agreed to.*

(14.) 16,744*l.*, Chief Secretary for Ireland.

Mr. W. WILLIAMS said, he must congratulate the Committee upon the great reduction which had taken place in this Vote. He observed a reduction of nearly one-half in the salary of the Chief Secretary for Ireland since he first remembered it, and at the same time he never knew a gentleman who had performed his duty more efficiently than the present Chief Secretary.

Vote *agreed to,* as was also the next Vote—

(15.) 6,704*l.*, Paymaster of Civil Services in Ireland.

(16.) 24,218*l.*, Board of Public Works, Ireland.

Colonel DUNNE said, that during three Sessions he had endeavoured to call the attention of the Government to this Board, and to the injury suffered by Irish proprietors from the way in which works had been carried on under this Board, and he wished to know if the Government intended to take any steps to redress the grievances and complaints which had been made to them?

Mr. J. WILSON said, he was sure that the way in which the Government had dealt with this subject showed a disposition on their part to do justice to those proprietors who had been aggrieved by the mode in which works had been carried out by the Board of Public Works. Measures were in progress for winding up such works as rapidly as possible; and the whole subject was still engaging the attention of the Treasury, because abuses had certainly prevailed, and the transactions alluded to had been attended with loss to the public.

Vote *agreed to,* as was also—

(17.) 32,000*l.*, Secret Services.

(18.) 255,560*l.*, Stationery and Printing.

COLONEL DUNNE said, he wished to ask what local authorities they were to appeal to in case of overcharge of the income tax, and also what allowances would be made to collectors?

THE CHANCELLOR OF THE EXCHEQUER said, he could not see what connection existed between the income tax and the Vote now proposed, but he might state that, in consequence of the small number of appeals which took place in Ireland, it was considered unnecessary to maintain a Commission there, and, therefore, any appeals that were taken would be brought direct to the Commissioners in London.

MR. HUME said, he thought the account for stationery and printing should be so made out as to show the amount that belonged to the two Houses of Parliament respectively. The mode now adopted of stating the Estimate was a very decided improvement, but it would be better still if this suggestion was attended to; and he could not help reminding the Chancellor of the Exchequer how much less the charge under the head of stationery and printing would be if the duty on paper was taken off. He would also press on the Government a consolidation of the Edinburgh and Dublin *Gazettes* with the *London Gazette*, and a reduction of the charges, so that it might circulate freely over the country and in the Army.

THE CHANCELLOR OF THE EXCHEQUER said, the charges for the *Gazette* had been already considerably reduced, and further reductions would be greatly facilitated if it was the opinion of the House of Commons, as it was that of his hon. Friend the Member for Montrose, that the three Gazettes should be consolidated. It was, however, only just to the Treasury to state that his hon. Friend the Secretary to the Treasury had made a most vigorous effort last year to get the Scotch *Gazette* consolidated with the *London Gazette*, but was not strong enough to effect his object, and was forced to make a most ignominious retreat, in consequence of the local and national opposition that was made to his proposal. A great saving had been effected in the expenditure of the Government both for printing and stationery, and the great credit of this was due to that most able and efficient public officer, Mr. M'Culloch, for the unwearied diligence and great ability with which he was ever applying his mind towards carrying out reductions in this department. He was sure that any information which might be called for with regard to the working of the office would be highly honourable to that officer, and would show the reductions that had been effected. The earlier part of the Vote was not so much within the control of the Government, but he had no doubt a detailed explanation of it could be supplied, and he certainly thought it desirable that a distinction should be made between the printing and expenditure of the House of Lords and of the House of Commons. He would suggest that his hon. Friend should call for a return of the terms upon which printing work was executed for the Government offices and the two Houses of Parliament, and he thought he would be rather surprised when he saw the figures of that return.

Vote *agreed to.*

(19.) 68,600*l.*, Privy Council Office and Office for Trade.

MR. J. WILSON said, that before the Committee proceeded with the next Vote, he wished to make a statement respecting a Vote which had been deferred last night for want of sufficient information with regard to it. The Vote was that of 68,600*l.* for the Privy Council Office and Board of Trade; and he found on inquiry that the statement he had made last night with respect to the item of 2,500*l.* for the salary for the Clerk of the Privy Council being an increase of 500*l.* upon last year was correct. A Clerk of the Council was appointed under a patent of 1801, the salary was regulated by a subsequent Order in Council, and in 1821 Mr. Greville succeeded to the office. Previously to its regulation by the Order in Council the salary of the office had been paid by fees which amounted to a large sum, but it was then fixed at 2,000*l.* a year, to be increased to 2,500*l.* when the office had been held for three years, but it was made a condition that the additional 500*l.* should be subject to deduction if the individual holding the office should also fill any other place of profit under the Crown. When Mr. Greville acceded to the office in 1821, he received, according to the Order in Council, 2,000*l.* a year until 1824, when, in compliance with the Order, it was raised to 25,00*l*. He received 2,500*l*. a year until 1829, when he succeeded to another patent office in Jamaica which yielded him more than 500*l*. a year, and he, therefore, became subject, so long as he held that office, to a deduction of 500*l*. from his salary as Clerk of the Council, which was thus reduced to 2,000*l*. He held the office in Jamaica until last year, when, upon his resignation, he applied to the Treasury to have the full salary of 2,500*l*. restored, as he had a perfect right to do. The application was made in March last, and inquiry having been made into all the circumstances of the case, which would be found fully detailed in the evidence before the Select Committee of 1839, they satisfied themselves that they could not resist the Order in Council, and it therefore became their duty to provide for the increased amount of salary. These were the circumstances of the case, and he might add that arrangements of this nature were constantly taking place in the public service. The office in Jamaica, he might state, had been abolished. It was a patent office, the duties of which were performed by deputy, with the consent of the Governor and the House of Assembly, and the deputy now performed the duties at the same salary as he had formerly received. Mr. Greville had certainly resigned the office voluntarily, although its emoluments were much larger than the amount of salary he received instead of them.

In answer to a question of Mr. DIGBY SEYMOUR,

MR. J. WILSON added that no compensation had been given for the abolition of the office.

MR. W. WILLIAMS hoped that, as the duties of the Clerk of the Council had been performed for many years at a salary of 2,000*l*. a year, the Committee would not consent to the proposed increase. No additional duties had been thrown upon Mr. Greville, and why, therefore, should he receive an increase of 500*l*.? It had been said that the Treasury had no power to alter the Order in Council. He hoped the Committee would not pass a Vote for which no ground could be shown except a mere Minute of the Privy Council.

THE CHANCELLOR OF THE EXCHEQUER said, that he felt quite sure the hon. Member for Lambeth had no desire to impute any improper or unworthy motives to the Treasury Board in reference to this transaction, and that the hon. Member would be one of the very last persons in that House to suggest or countenance any departure from a rigid and just observance of any *bonâ fide* engagement that had seriously been entered into. The hon. Gentleman did not, however, appear quite distinctly to understand the real position of the case, and that Mr. Greville had received his appointment on the understanding that the salary was at first to be 2,000*l*. a year, and to be increased at a stated period to 2,500*l*. Mr. Greville was appointed regularly by an Order in Council. The Order in Council might be objected to as an impolitic one, but there it was, and the only question that remained was, not whether such Order was politic or not, but whether it had given Mr. Greville a certain right? What, then, did the Order in Council do? Why, it gave Mr. Greville for a certain time 2,000*l*. a year, and after that time it gave him an increase of 500*l*. to his salary, which increase was to abate during the time he held any other office; but upon giving up such office, it was to revert to him. In this way a positive title had been conferred upon Mr. Greville to receive the increased salary, and the title was of such a nature that it could have been recovered by judicial proceedings. If there were any grievance really to be complained of in the matter, any complaints relative to the same should have been directed against the island of Jamaica, which ought to bear the burden of its own sinecures. As far as Mr. Greville was concerned, there was no doubt that his title was clear and indisputable, and could claim its origin even from so early a date as the year 1808.

MR. KINNAIRD said, he considered the explanation of the Chancellor of the Exchequer and the hon. Member the Secretary to the Treasury as satisfactory on the subject, although he was sorry the matter stood as it did.

MR. HUME said, that it was evidently one of those cases that, under the present careful system of scrutiny with regard to these kind of Estimates, would not occur again; and it was a question whether it was worth while, under the circumstances, to discuss the matter further?

MR. SPOONER said, he wished to have some explanation of the salary of the Registrar to the Board of Trade being increased from 700*l*. a year to 1,000*l*.

MR. J. WILSON said, in consequence

of the increase of the duties attingent to, and the work connected with, the office of the Board of Trade, it had been thought just and expedient to increase the salary of the Registrar.

Mr. SPOONER said, he did not consider this answer as satisfactory.

The CHANCELLOR of the EXCHEQUER explained that the increase of salary had been made upon the recommendation of the Judicial Committee, who, in their Report, had advised the cessation of the former clerkship that had existed, and the creation of the present office of Registrar.

Vote *agreed to;* as were also the three following Votes—

(20.) 17,079*l.*, Sheriffs' Expenses, Officers of the Court of Exchequer, &c.

(21.) 8,415*l.*, Insolvent Debtors' Court.

(22.) 92,455*l.*, Law Expenses, Scotland.

(23.) 55,470*l.*, Law Charges, Ireland.

Mr. M'MAHON said, he would suggest that the expenses connected with the prosecution of assaults and other offences against the person in Ireland should be defrayed out of the Consolidated Fund, as was the case with regard to that class of offences committed in England.

Mr. DIGBY SEYMOUR said, he must advert to the circumstance of the salary of the Attorney General for Ireland being only 1,158*l.*, and that of the Solicitor General for Ireland only 974*l.*, while that of the counsel employed to advise the Government in matters relating to the slave trade was 1,200*l.* If the latter salary were not more than enough, the former must be less than sufficient.

Colonel DUNNE said, he wished to know why Ireland did not receive as much from the Consolidated Fund for the expenses of prosecutions as England did? Now that Ireland was taxed to the full as much as England, or even more, in comparison with her resources, she had a right to receive the same help from the Consolidated Fund.

Mr. M'MAHON hoped that these matters would be put in the same position in Ireland as they were in England.

The CHANCELLOR of the EXCHEQUER said, the hon. and gallant Gentleman (Colonel Dunne) seemed very anxious that, in the money arrangements of the State, no injustice should be done to Ireland. Now, he very much doubted whether, if he succeeded in pushing the question which he had raised to any issue, he would be at all favouring the pecuniary interests of Ireland. The hon. and gallant Gentleman said that, inasmuch as the Government bore the whole expense of criminal prosecutions in England, they ought to do the same in Ireland. But it was quite impossible to accede to that proposition without acceding to the course proposed; for it must be admitted that the administration of justice could not be confined to the processes of the courts, and therefore they must look further, and he would ask who bore the expense of the police in England, and who bore it in Ireland? He found that a sum of 550,000*l.* was annually paid out of the Consolidated Fund to defray the charge of the Irish constabulary, and therefore if the same principle were to be acted on in the case of the three countries, the Scotch and English police ought also to be maintained from the same source. He frankly owned that if his wishes were carried into effect, it struck him that on a balance of account, Ireland would be considerably the loser by the labours of the hon. and gallant Gentleman.

Colonel DUNNE said, that this allowance had already been made a set-off for twenty other things. He maintained, however, and he would undertake to prove before a Committee, that Ireland was overtaxed, and did not receive that aid from the Consolidated Fund to which she had a right.

Mr. MACARTNEY said, the constabulary was forced upon Ireland for two reasons; first, to give a general system of police, by which a person could scarcely go from one part of the country to another; and, in the next place, to enable the Government to withdraw a very large military force from Ireland, amounting to no less than from 6,000 to 8,000 men, in two years after the establishment of the constabulary.

Mr. LUCAS said, he must contend that the issue raised by the Chancellor of the Exchequer between Ireland and the United Kingdom was not an answer to that raised by his hon. Friend the Member for Wexford (Mr. M'Mahon) between the State and a poor man who undertook to prosecute a criminal indictment under the existing state of the law.

Mr. T. CHAMBERS said, that the argument used by the Chancellor of the Exchequer was a perfectly legitimate one.

Mr. Serjeant SHEE said, in England the expenses of prosecutions were allowed or disallowed by the Judge. Most generally they were allowed; but in Ireland nothing of the kind took place; and the consequence was, that the property of poor people was, to a great extent, unprotected, because they could not afford to prosecute. He was surprised that right hon. Gentlemen opposite representing the Government of the country had not risen half an hour ago to say that this great grievance should be put an end to.

Viscount BERNARD said, it had been distinctly pledged by Sir Robert Peel that Ireland should be placed upon the same footing as England, and with respect to the cost of the police it had been taken on the Consolidated Fund in consideration of the loss which Ireland was likely to suffer from the repeal of the Corn Law.

Mr. WHITESIDE read an extract from Sir Robert Peel's speech, which sustained this latter statement of the noble Lord, and which set out the advantages which were likely to result (in that right hon. Baronet's opinion) from the whole of the police force being entirely under the control of the Crown.

Mr. M'MAHON said, the people of Ireland would be quite prepared to pay the expense of the police if they had the same control over them as the people of England had.

Vote *agreed to;* as was also—

(24.) 37,000*l.*, Metropolitan Police, Dublin.

The House resumed.

COMMON LAW PROCEDURE BILL.

Order for Second Reading read.

The ATTORNEY GENERAL, in moving the second reading of this Bill, said, as he believed there was no opposition to it, he trusted that the discussion would be reserved until a future stage.

Mr. WHITESIDE said, he should spare the House the trouble of considering his Bill on this subject, as the present was a most excellent measure, and he suggested that there should be a transcript of the Bill applicable to Ireland, with only such alteration of words and phrases as circumstances might require. The measure deserved the cordial support of every one; and, if he might speak of his own thunder, he was gratified to find several of his clauses, struck out last year in the House of Lords, introduced into the present Bill. He was glad to see that the measure admitted parties by consent to try causes in the superior courts without a jury, and he would suggest that provision should be made to allow choses in action to be assignable.

Mr. ATHERTON said, he willingly joined in expressing approbation of the measure; and added that he but expressed the opinion of the English bar when he said that the Irish Common Law Procedure Bill, introduced last Session by the hon. and learned Gentleman (Mr. Whiteside), obtained their cordial approval; and the Commissioners intrusted with the important office of considering this matter had been happy to borrow suggestions from him. He considered the Attorney General and Her Majesty's Ministers entitled to the thanks of the House for bringing forward this measure. No doubt in Committee there would be certain matters to be considered, but he anticipated that from both sides of the House Government would receive assistance to make the Bill as perfect as possible.

Mr. STUART WORTLEY said, he believed that there was no disposition on the part of any one to oppose the second reading; but, as some serious questions were involved in the measure, which, on the whole, was a very valuable one, he trusted that ample notice would be given when the discussion would come on.

The ATTORNEY GENERAL promised that there should be full opportunity allowed for discussing the measure at a future stage.

Bill read 2°.

BILLS OF EXCHANGE (No. 2) BILL.

Order for Second Reading read.

The ATTORNEY GENERAL moved the second reading of this. He said, that it introduced into the English system of procedure what was known in Scotland as the process of "summary diligence." It enabled the holder of a dishonoured bill or note to register protest in the Court of Common Pleas against any of the parties to the bill or note, and at the same time it empowered the party who had been served with any order for the payment to apply to the Court to stay execution upon sufficient cause shown; and then the liability would be decided in the ordinary course of law. This practice had been in operation in Scotland for a century and a half; it had worked admirably there, and had met with the support of the mercantile community.

Mr. GLYN said, that on the part of the mercantile community of this country, he begged to express his approbation of the general provisions of the measure. It was the commencement of the assimilation of the commercial law of the kingdom, but if that assimilation went on piecemeal, he feared considerable difficulty would be the result with respect to the law of the two countries.

MR. W. LOCKHART said, the object of the Bill was to assimilate the law of England respecting dishonoured bills of exchange to the law of Scotland, but it appeared to open a door to vexatious proceedings. It applied to all bills of exchange, whether accepted or made payable in England or elsewhere, and it gave power to the Court of Common Pleas to enforce payment of them beyond the jurisdiction of the English Courts. It would seem that the holder of such a bill might drag the parties interested into the English Courts by simply placing it in the hands of an attorney in England, although it was drawn, accepted, and made payable in Scotland, and although all the parties were domiciled in that part of the kingdom.

MR. CAIRNS said, the only objection he entertained to the Bill was, that it did not go far enough, being only at present extended to England. He hoped the hon. and learned Attorney General would accede to its extension to Ireland.

MR. ATHERTON said, he did not oppose the second reading of the Bill, though he thought several of its provisions required consideration, and he hoped that full opportunity would be given for discussing its provisions, because there could be no doubt that it introduced great changes into the existing law, and that it was moreover to some extent at variance with its principles. At the same time he knew that its provisions had worked admirably in Scotland for a considerable time, and that the mercantile body highly approved of their operations being extended to England.

MR. STUART WORTLEY said, he trusted that some provision would be made to restrict the facilities which were at present afforded for the commission of fraud with regard to bills of exchange.

THE ATTORNEY GENERAL said, he concurred in the opinion expressed, that the Bill should be extended to Ireland, and that protection from fraud should be afforded.

Bill read 2°.

The House adjourned at One o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, June 12, 1854.

MINUTES.] *Took the Oaths*—Several Lords.
PUBLIC BILLS.—2ª Exchequer Bonds(£6,000,000); Vaccination Act Amendment.
Reported—Income Tax (No. 2); Church Building Acts Amendment; Industrial and Provident Societies.
3ª Railway and Canal Traffic Regulation.

ADMINISTRATION OF JUSTICE AT SINGAPORE—PETITION.

THE EARL OF ALBEMARLE, in *presenting* a petition from merchants, traders, and other residents at Singapore, in the Straits of Malacca, praying that a resident professional Judge be appointed to that settlement, and that certain other ameliorations in the administration of justice be introduced, said, that the principal prayer of the petitioners was for the appointment of a resident professional Judge, instead of one whose services were divided, as at the present moment, between three settlements, one of which was 400 miles distant from the others. The present population of the three settlements of Singapore, Malacca, and Prince of Wales' Island was a quarter of a million, and their import trade amounted to about 4,500,000*l.*, which was within one-fourth part of the import trade of Bombay. Since 1827 the population had increased as much as 125 per cent, and the increase which had taken place in trade was still greater. He knew that Indian subjects were generally unpalatable in that House, but Singapore had some claim upon their Lordships' consideration, because it afforded the earliest instance of the operation of free trade. Only thirty-five years ago the population of Singapore consisted of a handful of Malay fishermen, who also engaged in piracy whenever they considered that piracy could be committed with safety. Singapore now contained a thriving population of 70,000, and its import trade amounted to upwards of 3,250,000*l.* But while this increase had taken place in the trade and population, the arrangements of the judicial establishment not only remained the same as it was in 1827, but the same as it was in 1807, when there was but one settlement. The judicial establishment of the settlements consisted of a recorder, who was an English barrister, and two lay Judges. There was also a Governor, and each of the three settlements had a Lieutenant Governor belonging to it under the title of a "resident councillor." The two lay Judges—being, in fact, the executive—

had ample business to attend to independent of their business as Judges, and, having had no legal training, were entirely incompetent to perform the high judicial duties, civil and criminal, that were required of them; and accordingly, it was said that when the recorder went on circuit to one of the stations there was a suspension for several months of all judicial business at the other stations. Bombay possessed a Chief Justice at a salary of 6,000*l.* a year, and two Puisne Judges at 5,000*l.* a year, with retiring pensions, and Madras had very much the same establishment, while the foreign imports of Madras were a fifth part less than those of the three settlements. Hong Kong also possessed a resident professional Judge, although its population was not one-seventh part that of the settlements. It might be said that these settlements would not bear the cost of an increased judicial establishment; but if this were a good argument, what would become of Bombay, the income of which was not sufficient to meet its expenditure? But, in fact, the argument with regard to revenue would not apply to Singapore, which did produce sufficient to pay its own expenses. The taxes, which were easily levied, produced 55,000*l.* a year, which was amply sufficient to cover all the charges, civil and military, of the settlement. But Singapore did more than pay its own expenditure, for it was charged, in common with the other settlements, with the expenses of the convicts of the continent of British India, the share paid by Singapore amounting to 6,315*l.* What business had we to call upon Singapore to contribute to such a charge as that? It was just as if the convicts of England were inflicted upon Australia, and that country was also charged with their maintenance—and we knew that Australia had refused to receive the convicts of this country, even if an allowance were made for their maintenance. There was another burden placed upon the settlements to which he wished to allude, and that was the charge, amounting to 3,186*l.*, of a steam-ship of war. It was said to be of use in contributing towards the suppression of piracy; but here again arose the question, what business had we to charge the settlements with the cost of the suppression of piracy in which England, the whole of India, and all commercial countries, were concerned? The charge might be placed with just as much justice upon one of the Ionian Islands. But they decreased the efficiency of the judicial establishment by sending one Judge upon a circuit of 3,200 miles every year, when the hire of the vessel in which he was sent would pay the salary of a resident Judge. Having pointed out the grievances of which the petitioners complained, he would now briefly point out the remedy that had been proposed, which was not his own, but had been suggested by Mr. Crawfurd, the former Governor of Singapore, a gentleman who was in every way competent to offer advice on the subject. He proposed that two Judges should be appointed, one for Singapore and Malacca, at 4,500*l.* a year, and another for Penang, at 3,500*l.* a year. To meet this expenditure, he proposed to do away with the charge for the Indian convicts, and with the expense of the Governor's salary and establishment, for he said, what must be obvious to any one who recollected the position of the three settlements, that the three settlements were so far apart that there was no use of him. He also proposed that the expense of the steam-vessel should be done away with. This would leave for Singapore alone a sum of upwards of 10,000*l.*, and, taking the three settlements together, more than 22,000*l.* There was a deficit in the revenue of Penang; but by this proposition it would be reduced to about 11,000*l.*, and there would remain besides sufficient for a resident professional Judge, leaving a broad margin for a retiring pension. He did not make any charge against the present Government on account of this system, which had been in existence for several years, and, now that we had a reformed Administration, he was sure the matter might be safely left in their hands, and that they would endeavour to remedy the evils of which the petitioners complained.

Earl GRANVILLE said, the matter had only lately been brought under the consideration of his right hon. Friend the President of the Board of Control. It was rather complicated, and an Act of Parliament might be required to carry out the wishes of the petitioners if it should be found desirable so to do—but the best attention of the Government would be given to the subject.

Petition ordered to lie upon the table.

VANCOUVER'S ISLAND—PETITION.

Earl FITZWILLIAM *presented* a petition from landed proprietors and inhabitants of the Colony of Vancouver's Island, complaining of defects in the government thereof, and praying for amendment. The request of the petitioners was, that at the expiration of the Hudson's Bay Company's charter, the Crown should appoint a governor for the island. This possession was of great importance, in consequence of the large supply of coal which it contained. He had reason to believe that no coal was to be found on the north-western coast of America except upon this island.

The Duke of NEWCASTLE said, that the interval since he had ceased to belong to the Colonial Office was not so long as to have caused him to have entirely forgotten everything connected with that department. He was quite aware of the importance which was rightly attached by the noble Earl to the Colony of Vancouver's Island, little as was at the present moment the comparative interest with which it was regarded in this country, on account of the small number of inhabitants it contained. The subject was by no means new to him, as, at the time when it was originally proposed to make a grant of the island to the Hudson's Bay Company, he had called the attention of the House of Commons to it. He was quite aware that the colonisation of the island had not made that progress which it was important that it should make, not only on account of its proximity to the Russian possessions, but also to the British possessions of North America; but it must be borne in mind, when we considered the transactions of the Hudson's Bay Company, that they had laboured under disadvantages which could not have been anticipated when the grant was made. Since the grant had been made, the discovery of gold in California had taken place, and it was extremely difficult to colonise an island like this, the climate of which was not very temperate, situated near gold diggings, although, no doubt, its mineral advantages were more likely to enrich those who turned their attention to them than gold digging. The immense importance attaching to this island on account of the supply of coal which it contained rendered it one of the most valuable possessions of the British Crown; but at the same time, although he thought that due exertions might not have been made by the Hudson's Bay Company, he also thought that some allowance must be made for the great disadvantages under which they had laboured from the peculiar circumstances to which he had referred; and he only trusted that they would make such increased exertions as would enable the Government to deal with the question hereafter in a manner more favourable to the claims they might put forward than they could do at the present moment. He could assure his noble Friend that the attention of the Government would continue to be directed to the subject.

Petition ordered to lie upon the table.

THE NEW SECRETARY OF STATE—QUESTION.

The Earl of ELLENBOROUGH: I wish to call the attention of the noble Earl at the head of the Government to a question which arises out of the appointment of the new Secretary of State. Your Lordships are, of course, aware that, according to the Act of Anne, not more than two Secretaries of State can sit in the House of Commons. Now that a fourth Secretary of State has been created, there will be two in the Commons, and two in this House. At present no practical inconvenience will arise from this arrangement; but great practical inconvenience might arise, in the event of another considerable change taking place in the present Government—and still more on the constitution of a new Government—from the law which prevents three Secretaries of State from sitting in the House of Commons. The existing limitation might materially interfere with the formation of a new Government. I am of opinion, therefore, that a Bill should be introduced to enable three Secretaries of State to sit in the House of Commons—for it would be most inconvenient to wait for the passing of such a measure if a new Administration should succeed to office requiring such a change. I therefore beg to ask the noble Earl whether it is the intention of the Government to introduce a Bill to enable three Secretaries of State to sit in the House of Commons?

The Earl of ABERDEEN: My Lords, I have to state there is no intention at present to bring in a Bill on the subject. The question was duly considered, and was attended with some doubt; but we took the proper advice, and consulted the best authorities. It appears to us that there is no reason for proceeding by Bill to effect that which has already taken place, inasmuch as only two Secretaries of State now sit in the House of Commons; and the Queen, in the exercise of her prerogative, can, if she think proper, place a fourth Secretary of State in your Lordships' House. I admit with my noble Friend, that I can conceive a case in which inconvenience might arise from the absence of a power enabling a third Secretary of State to sit in the House of Commons; but no such inconvenience has yet arisen, and there is no necessity to remedy a grievance which has no existence. At the same time I concur with my noble Friend that the subject is one worthy of consideration.

RAILWAY AND CANAL TRAFFIC REGULATION BILL.

Bill read 3ª (according to order) with the Amendments.

LORD **LYNDHURST** said, he had suggested the introduction of a clause into this Bill, the object of which was to limit the liabilities of railway companies, so that they should not be dealt with precisely as common carriers, but he saw no chance of enforcing his views in this respect against the large majority hostile to railway companies in that House. He had, however, ventured to suggest an amendment of the second clause to the noble Lord who had charge of the Bill. This clause prohibited railway companies from limiting their liability as carriers by any forms or conditions which they might set forth upon tickets issued by them. It occurred to him that great inconvenience and injustice would arise from making this invariable rule applicable to all circumstances, and he had suggested that the Board of Trade should have power to allow a railway company to introduce such conditions as the Board might think proper under the circumstances. The noble Lord who had charge of the Bill had prepared a proviso to the clause, which imposed upon railway companies in the first instance the burden of declaring the conditions, and then required the Court of Common Pleas to pronounce an opinion as to whether those conditions were reasonable. This arrangement was objectionable, because it rendered litigation and expense inevitable, and also because there might not be an uniformity of decision between the Courts of Dublin, Edinburgh, and London.

Amendment *moved.*

THE EARL OF **DERBY** complained of a proviso being introduced into a clause by private arrangement; the House knew nothing about it.

LORD **STANLEY** OF **ALDERLEY** said, that in his opinion the Court of Common Pleas was the best tribunal to decide upon the point raised by the noble and learned Lord.

The Earl of Aberdeen

The EARL OF **HARROWBY** wished the clause to be postponed in order that it might be considered by their Lordships.

LORD **REDESDALE** said, the object of the railway companies was to introduce matter into the Bill which should limit their liabilities. Now he (Lord Redesdale) would allow railway companies no power to impose conditions upon travellers. The clause would be of no avail if the proviso should be added to it, for it would only afford a loophole to the companies to escape from their liabilities.

LORD **WHARNCLIFFE** recommended the postponement of the clause.

LORD **STANLEY** OF **ALDERLEY** said, that this was not his clause. He believed it was proposed by the noble and learned Lord opposite, and if he wished to amend his own clause there could be no objection. Indeed, he should prefer the omission of the clause altogether, for he considered the Bill to be much better in its original shape. If, however, the noble Lord (the Earl of Derby) felt himself taken by surprise at the introduction of the proviso which had been inserted in it, he (Lord Stanley) had no objection to postpone the passing of the Bill till to-morrow, and in the meantime have the proviso printed for further consideration.

The EARL OF **DERBY** thought the proviso should not appear in the second clause, but should be introduced in another part of the Bill.

Further debate adjourned till *To-morrow.*

House adjourned till *To-morrow.*

HOUSE OF COMMONS,

Monday, June 12, 1854.

MINUTES.] NEW WRIT.—For Morpeth, *v.* Right Hon. Sir George Grey, Bart., Secretary of State.

PUBLIC BILLS.—2° Excise Duties (Sugar); Landlord and Tenant (Ireland); Leasing Powers (Ireland).

STAMP DUTIES BILL.

Order for Committee read.

MR. **HUME** said, he rose to submit some objections, which he thought ought to be valid in a free trade House of Commons. This Bill was a matter affecting the currency of the country, and a matter which he believed would have the worst possible effect upon the commercial world. If stamp duties on bills of exchange could not be taken off and replaced by some uniform tax of a small sum on all bills, of whatever amount they might be, he had no objection to the first clause. He admitted that the schedule annexed to the Bill was in itself an improvement, because it gave relief to smaller bills, which had hitherto been heavily taxed. But with respect to the second clause, imposing duties upon foreign bills of exchange, he entertained the strongest objections, because any additional restrictions upon foreign bills of exchange must be very injurious to the general commerce of the country. In his opinion by far the best course would be to impose a small tax of 3*d.* or 6*d.* on all bills, whether inland or foreign, which might be done with little loss to the revenue; but if that was not done, then the distinction which had hitherto existed between foreign and inland bills ought still to be maintained. If the tax on bills of exchange were a good tax, it would have increased proportionately with the increase of commercial transactions, but it appeared the revenue from that source, which in 1815 was about 800,000*l.*, had actually fallen last year to 596,000*l.* By Sir Robert Peel's Bills of 1844 and 1845, the currency of the country was positively limited, bankers being prevented issuing notes except on metal foundation, and since the latter date banks which issued between 700,000*l.* and 800,000*l.* in notes had entirely ceased operations, so that the currency was so much deficient. Every hon. Gentleman who had attended at all to the subject must be aware that our bills of exchange were a great commercial advantage, and that there had been times when, without them, our trade would have been at a standstill, and the whole country would have become bankrupt. With a largely increased trade and a restricted currency, it was more than ever important that no new impediments should be thrown in the way of the free circulation of commercial bills. His own opinion was that an uniform tax of sixpence, or something of that kind, upon all such bills, would tend to give much greater facilities to trade than were afforded by the present system; but if they could not come to that, let them at least not lay a new tax upon foreign bills, which had never been taxed before. Free trade was making England the emporium of the world—the great depôt for the world's produce; but if they passed this Bill and imposed this duty upon bills drawn abroad, they would be limiting their own means of paying for this produce, and preventing this country from becoming the emporium of the money market, as she was already the emporium of commerce. He saw by to-day's papers, that upwards of 500,000*l.* sterling in dollars had been imported into this country in the course of the last week from various parts of the world. Of this large amount, probably not more than 50,000*l.* would remain to pay debts in this country, while the remainder would be drawn upon from France, and Germany, and Holland, and other parts of Europe; and it was easy to see that the imposition of a stamp duty upon such drafts would materially interfere with the freedom of our exchanges, and put impediments in the way of commerce. It was for this reason that he intended to propose in Committee that the second portion of this Bill should be expunged.

MR. GREGSON said, he approved of the Government proposal, and dissented from the opinions expressed by the hon. Member for Montrose (Mr. Hume) as to the effects of the duty on bills of exchange.

MR. THORNELY said, he objected to the tax on foreign and colonial bills. The amount would be very considerable; for he had heard an American merchant in the City of London say that in his office alone the stamps would be 6,000*l.* a year. It was not, however, the amount so much as the vexatious manner in which the tax was to be imposed that the commercial world complained of; and he did wish that the Chancellor of the Exchequer, whose financial propositions had been so liberally met by the House, had refrained from laying on a new tax which he thought would be very prejudicial to the foreign trade of the country.

MR. JOHN MACGREGOR said, his objections to the difference of duty was to be found in the four schedules. To be fair, the duty ought to be uniform. He objected to the principle of taxing bills of exchange; but if such securities were to be taxed at home, he confessed he could not see on what principle of justice or consistency they should be exempted abroad.

THE CHANCELLOR OF THE EXCHEQUER said, he would suggest that as this was a Bill, not for the purpose of imposing a tax upon foreign bills of exchange, but for the purpose of amending the stamp laws in various particulars, of which this was only one, and as he did not apprehend that it was intended to take any vote upon the question "that the Speaker do leave the Chair," the better course would be to go into Committee at once, and to take the discussion upon the schedules when they came to them.

House in Committee, Mr. Bouverie in the Chair.

Clauses 1, 2, and 3 were *agreed to.*

Clause 4 (The holder of a bill drawn out of the United Kingdom to affix an adhesive stamp thereupon before negotiating it).

Mr. HUME said, that as this was the clause by which it was intended to impose the duty, it was his intention to take the sense of the Committee.

The CHANCELLOR of the EXCHEQUER said, he would put it to the Committee whether the more preferable course would not be to agree to the clauses, and raise the question of the hon. Member for Montrose on the schedules. It would be competent for the hon. Member to move the omission of "foreign bills of exchange" from the schedule.

Mr. MASTERMAN said, that these clauses involved the whole question, and submitted that the more direct and convenient course would be to take the sense of the Committee on the clause, for then the decision of the Committee would at once touch the principle of the proposal, which could not be the case if the question were merely treated as a part of the schedule.

Mr. T. BARING said, he took the same view of the case, for there could be no doubt that the fourth clause raised the whole question whether there was to be a stamp on foreign bills. The principle was involved in this clause.

Mr. HUME said, he should now move that the clause be expunged from the Bill. He did not know whether the Committee was at all aware of the large amount of bills of exchange in circulation in this country. He confessed that he himself had had no accurate idea until he had inquired into the subject of the extent to which the commerce of the country was dependent on them. The amount of bank-notes in circulation was as nothing when compared with them. According to the estimate of Mr. Newmarch, a gentleman who had paid considerable attention to the subject, there were drawn for the purposes of the small farmer and the retail tradesmen bills of exchange of the average amount of 21*l.* 2*s.*, having an average time to run of two months and seven days, to no less an amount than 6,325,000*l.* The amount of bills of the average amount of 140*l.*, with an average time to run of three months and six days, drawn chiefly upon parties who supply themselves with goods directly from the importer or manufacturer, was 35,800,000*l.* a year, while the larger bills, of the average amount of 1,965*l.*, reached to no less an amount than 51,000,000*l.* Of the total amount of bills of exchange in circulation in this country, estimated at 160,000,000*l.* or 170,000,000*l.*, it might fairly be calculated that one-fourth were bills drawn abroad; and as he thought we ought to do everything in our power to invite trade, instead of imposing additional restrictions upon it, he hoped the Committee would mark its opinion upon the subject by assenting to his Motion to strike out the clause.

Mr. GLYN said, he might well agree with the opinion of his hon. Friend the Member for Montrose, that all stamp duties were in some degree impediments to commercial transactions, and under some circumstances he might probably concur with him in thinking that an uniform rate of duty might, perhaps, be expedient. Considering, however, that these were questions which involve the loss of a very large amount of revenue, and considering that these were not times when they could call upon the Chancellor of the Exchequer to give up any tax, which was collected without much difficulty, he could not support his hon. Friend in the view which he took of the measure now before the Committee. He did not think that the reasons which had induced the right hon. Gentleman the Chancellor of the Exchequer to propose that measure had been quite accurately stated. As he understoood the object of the Bill, it was intended to obviate two great evils which existed under the present system. The first was a legal difficulty which had arisen, and which materially affected the holders of foreign and colonial bills; and the second was the grievance which had been felt for many years by the holders of small bills of exchange, not only on account of the pressure of the tax as it stands, but on account of the disadvantage at which they were placed with reference to their neighbours who were holders of foreign bills, and who were able to use them without being subject to any tax at all. With respect to the first difficulty, his hon. Friend (Mr. Hume) had very truly stated the total amount of bills in circulation in this country at about 160,000,000*l.*, of which he (Mr. Glyn) estimated that about one-fifth were foreign or colonial bills; but his hon. Friend had omitted to speak of a third class, upon which this proposition of the Government mainly rested—of those bills which, purporting to be drawn in the Colonies, were in fact drawn in this country, and the innocent holders of which had, in a great number of instances, sustained severe loss, against which it had been wholly impossible for them to protect themselves. He spoke in the presence of Gentlemen who had suffered from this system, which had been carried on to a much greater extent than hon. Members probably had any idea of, and which penalties had been found altogether ineffectual to repress. With respect to the second point, he had himself presented petitions from several places relative to this subject, and he knew that there was a decided objection on the part of small dealers in the country to the manner in which this tax was at present levied. They complained, and justly complained, that it was unfair in its proportions, and bore very heavily upon them. Referring to the petition which had been presented against this Bill by his hon. Friend opposite (Mr. Masterman) the Member for the City of London, he was sure his hon. Friend would not deny that, upon this question, he did not represent the interests or the opinions of those large dealers in bills of exchange in the City of London, and elsewhere, who were so largely interested in it. They had caused it to be communicated to his hon. Friend that they disagreed with his views upon this subject. There might be something in the objection which was made upon the score of "trouble" if the Government had proposed that the holder of the bill should be compelled to send it to the Stamp Office, and to part with it out of his possession for the purpose of the stamp being affixed; but this difficulty was effectually disposed of by the simple provision in the Bill for affixing an adhesive stamp. He was quite aware of the complaints of trouble and inconvenience that were made when the postage stamp was first introduced, but he never heard of any complaints nowadays on that subject. If there was any ground for apprehending that the measure would materially interfere, as his hon. Friend had suggested, with the foreign operations of the country, he should be very sorry to say anything in its favour, or to take any steps to promote it; but what could be the effect of a duty of 1*s.* per cent upon the foreign bills of exchange negotiated in this country? At the very outside it would be only a small deduction from the commission, and would not, he felt confident, have the slightest effect upon the general transactions of the country. They knew that in the case of marine and fire insurances, although much heavier duties were imposed than that which was here proposed, foreigners still came to this country to insure; and so they would continue to do as long as England sustained her credit and her character for industry, integrity, and capital. Considering that the Chancellor of the Exchequer proposed to remove a grievance from the holders of foreign bills of exchange, and to relieve the internal trade of the country from a very heavy impost, he had the greatest pleasure in supporting the proposition.

Mr. MASTERMAN said, he differed entirely from the statement of the hon. Member for Kendal (Mr. Glyn), that the great majority of the merchants of the City of London regarded the proposal of the Government with favour. He believed, on the contrary, that they were altogether opposed to the imposition of a tax upon bills drawn out of the United Kingdom. Nor could he agree in the principle that long and short dated bills should be taxed to the same extent. It had been the policy of Parliament of late years to unshackle foreign trade in every possible way, and now they were called upon to legislate in an opposite direction, and to place a tax upon that which had never been taxed before.

Mr. W. BROWN said, that believing that it had been the aim of Parliament by recent legislation to make London, if possible, the money market of the world, he must regard this proposal to tax foreign bills of exchange as an interference with that most desirable object. Nor could he help thinking that it was a most severe blow against the manufacturing and agricultural industry of the country.

Mr. J. WILSON said, this had been denominated a new tax, but so far from that being the case, it was in the main a great reduction of an old tax, in fact it was a proposal to bring about an equalisation of duties upon home and foreign transactions. At present all bills drawn in the United Kingdom on places out of the United Kingdom, and therefore representing the whole of the exports of the country, were subject to rates in the following proportions:—All bills under 100*l.* were chargeable with a stamp duty of 1*s.* 6*d.*, but by the new scale they would be chargeable only with a stamp of a penny. Bills drawn on foreign countries up to 500*l.* were chargeable with a 4*s.* stamp, but now they would be chargeable with a stamp varying from 1*s.* to 1*s.* 8*d.*, and it was not until bills reached the amount of 3,000*l.* that the duty would rise to the existing scale. The only new element in the Bill was, that foreign bills drawn out of this country and payable in this country would be subject to the same reduced and moderate stamp which would be charged on bills drawn in this country and payable out of it. In making this great reduction on the whole mass of bills circulated in this country, it was but fair to ask that all bill transactions should, as far as possible, equally contribute to the tax. When bill stamps were first introduced there could be no doubt that it was a great trouble to the merchants sending bills out of the country to have to send them to the Stamp Office for the purpose of getting them stamped, but the introduction of an *ad valorem* stamp rendered that arrangement practicable which was not practicable before. He was at a loss to understand why a large amount of tax should be thrown on bill stamps in one class of transactions and why another class of transactions should be entirely relieved from such an impost. If money was to be raised on stamp duties, the duty ought to be imposed as equably and lightly as possible on the whole transactions of the country, whether those transactions were home transactions or foreign transactions. He was surprised to hear the assertion that the proposition would be injurious to the agricultural interest. When he considered that the present amount of duty on bills up to 20*l.* was 1*s.* 6*d.* instead of the proposal of the Government of 2*d.*, the present duty was an entire prohibition of that means of settling accounts; and the regularity in the settlement of small monetary affairs was a matter of no slight consideration, for nothing tended more to the uniformity of conducting business. The way in which the great warehouse-keepers of London had been able to conduct their business on small profits arose from the circumstance of their having the opportunity of drawing up their accounts at the end of each month. By reducing the rates of small bills, the same facility would be given to tradesmen in regard to small transactions that now existed in regard to large transactions. The advantages to be derived from the arrangement now proposed would not be confined to mere financial operations, but would have a material influence on the regulation of small transactions in business. The objection that no difference was made between long-dated bills and short-dated bills was one which he never expected would have been urged, for if there was one advantage greater than another in drawing bills, it was simplicity; and so far as he had had communication with the traders of the country, they regarded that as one of the most advantageous elements of the Bill. Then with regard to the supposed evil which this Bill would have on our foreign operations. In his opinion, so far from having a prejudicial effect on such operations, its effect would be beneficial. Although this was the first time of imposing a stamp on bills drawn abroad, the reduction on bills drawn in this country would be very great, for the duty would be reduced to one-twentieth per cent of the amount. It should be recollected that from time immemorial stamps had been chargeable on all bills circulated in France and Holland—in the chief monetary markets next to London. The imposition of stamps had not prevented Paris and Amsterdam from becoming large money markets; and, considering the greater facilities which this country possessed, he did not apprehend a consequence here which had not followed in those places. There could be no doubt that in monetary operations bills might be multiplied on one transaction to a great extent; but those multiplications would be for the convenience and profit of the parties concerned, and if there were separate profits and separate commissions on each transaction, he did not see why they should not bear a small tax. Seeing that the objections to the proposition were so slight, and the advantages to be derived from it so great, he trusted that the Committee would have no hesitation in giving it their assent.

MR. J. B. SMITH said, he approved of that part of the Bill which made the stamp an *ad valorem* duty, but he objected to the new tax about to be imposed on foreign bills drawn abroad. The hon. Gentleman (Mr. J. Wilson) said, that such bills were taxed in France and Holland. Now that was the very reason which gave England an advantage over those countries. There was a time when this country was the great centre of marine insurance for the world, as it was now the great centre of the monetary transactions of the world. Why did we lose the profitable marine insurance? By imposition of a stamp duty on marine insurances. How did that duty operate? It operated as a bounty upon the establishment of marine insurance companies in every country in the world, and not only did those companies do the business of foreign countries, but a very large portion of the business of English merchants. The Government were now proceeding on the same principle which was acted upon at that time, instead of inviting as much trade as possible to the country. It was impossible to tax foreigners without driving their business to other countries. The extent of the present evil was known, and if the money could not be spared at that moment, it would be much better to let affairs remain in their present state than run the risk of creating a greater evil.

Mr. JOHN MACGREGOR said, he thought it would be much better to have only one schedule, and to make the tax as moderate as possible until it could be entirely removed. If a tax was to be imposed on bills or promissory notes, it ought to be imposed without reference to the place drawing or the place of payment.

Mr. T. BARING said, he thought every one would admit that, if there was not some great evil to be remedied, or some great advantage to be obtained, it was most unwise to disturb fiscal regulations, and even then any alteration ought to be considered with reference to the extent to which it might be made convenient or inconvenient and injurious to the trade of the country. The evil complained of was, that there were bills of exchange purporting to be drawn from abroad upon places in England, which in reality were drawn in England, and which, when brought forward as evidence of a claim of debt, were not considered legal documents. Now, that difficulty might be got over by allowing such documents to be stamped if the holder could show himself innocent of fraud. But the object of drawing these bills was not to evade the tax of a few shillings, but to have documents which could be discounted, and upon which money could be raised, and he considered that the proposed small stamp would not prevent the creation of these fraudulent bills of exchange. If it answered the purposes of parties to draw bills in London, dating them from New York, Madras, or Calcutta, without a stamp, they would carry on their business in exactly the same way if a stamp should be imposed, because it was not a question of the payment of a few shillings, but whether hundreds and thousands of pounds could be raised. If the object was to make such a bill a legal document, it could be effected without the imposition of this novel tax. It was not correct to say, that a similar system was adopted everywhere else. It was not the case in Hamburg, in Holland, in Prussia, or Amsterdam. It was true there was a stamp one way, but the present plan was to impose a stamp both ways. In the United States, our great commercial rival, such a stamp would not be imposed. If the object of the Bill was to do justice to this country, it could be done by reducing the rates upon inland bills of exchange, without exposing the foreign trade to a new and a novel tax. It had been said that the plan would not give any additional trouble, but the affixing of the stamp would be productive of a great amount of vexation. If the clerk should make an error in the *ad valorem* amount of duty, it would vitiate the bill of exchange and relieve the endorsees from their liability, and the bill would be equally vitiated, if in the course of circulation the adhesive stamp should be rubbed off. The effect of the proposition would be to place a tax upon the banking operations of the country, and he could not conceive a more unwise proceeding. Was it right, when the object of Parliament had been to remove every shackle from foreign trade, to say we will now tax foreign bills both ways? The tax would not fall on the foreigner alone, but on the commercial transactions of this country. He saw no necessity for the tax. It would throw a difficulty in the way of foreign negotiations and exchanges, for, without the aid of men dealing in foreign exchanges, the greatest difficulties would arise in effecting payment for the transfer of foreign produce. He therefore objected to the proposition upon principle, and should give his vote against its adoption.

Mr. W. WILLIAMS said, there could be no doubt that a tax upon foreign bills, as well as upon all bills of exchange, was objectionable; but, as he understood the matter, the object of the Bill was to reduce a most oppressive and heavy tax upon inland bills of exchange, and he considered that object a most desirable one.

The CHANCELLOR of the EXCHEQUER said, he was very desirous, before the Committee divided, that they should understand clearly the real meaning and effect of the vote which they were about to give, because the speech of the hon. Member for Huntingdon (Mr. T. Baring) had placed the real points of the case entirely out of the view of the Committee. No doubt, if they could dispense with the tax upon foreign bills of exchange, it would be most desirable to do so; but the hon. Member who had just sat down (Mr. W. Williams) was prepared to vote for the measure on account of the great relief which it would afford with respect to home bills. He could not subscribe to the proposition that this was the imposition of a new tax. It was the uniform and equal application of the existing tax by the removal of exemption with respect to foreign bills of exchange, which they had no title whatever to enjoy. It proceeded on the principle that all trade—whether a trade between this country and other countries, or whether a trade between the agricultural districts of the country and the manufacturing districts of the country—it proceeded on the principle that all trade was barter. The exchange of commodities was the basis of trade. That was a consideration as applicable in all cases to foreign as to home trade. He should be happy, if possible, to dispense with the duty on all bills of exchange; but at the present time the finances of the country would not allow of such a proceeding. He proceeded on this principle—that it was eminently desirable for all parties concerned that the basis of barter, the exchange of commodities, should be worked, whether in the home or foreign trade, through the medium of bills of exchange. This was not a mere fiscal matter, but one of the greatest commercial importance. He would appeal to those connected with agriculture whether anything could be harder than the case of the retail dealers, who, in this respect, were labouring under a scale of duties absolutely prohibitory. The hon. Member for Huntingdon had intimated that the object of that House had been to remove shackles from the trade of the country. He was not aware that that had altogether been the object of the hon. Member. The hon. Member seemed to be of opinion that the House was now retracing its steps. Now, Parliament had removed the shackles from foreign trade in order to place it on a footing of equality with the home trade, and he (the Chancellor of the Exchequer) now asked the Committee to remove the shackles from the home trade and to place it on an equality with the foreign trade. He wanted to know why the retail trader in a town was to be precluded from the advantage of raising money bills of 20*l.*, 30*l.*, or 40*l.*, which was the case at present, in consequence of the prohibitory duties now in existence, and which had the effect of checking, hampering, and restricting commerce—a tax, not of one-twentieth per cent, but a tax amounting to 2, 2½, 3, 4, 5, and even 6 per cent—a tax that doubled the rate of interest? That was the system now in operation with regard to the home trade—that was the system which he now asked the Committee to destroy. It was said, "Destroy that system if you please, but don't lay a tax on foreign bills." Now, his answer to that was plainly this—it was impossible at the present moment to undertake the reformation of the law of stamps on bills of exchange, except upon principles which would allow the Government to derive the same amount of revenue from that source. Moreover, he was not willing to be a party to the continuance of an exemption in favour of trade with foreign countries which was not enjoyed by our trade at home. He agreed with the hon. Member for Glasgow (Mr. John Macgregor) that if a bill of exchange were to be taxed, it ought to be taxed irrespective of the origin of the transaction. He should be perfectly willing to see the tax reduced when the revenue of the country would afford it; but he maintained that the principle upon which he proposed this alteration was similar to that on which the House had last year reformed the assessed taxes, and on which it had made other fiscal reforms, namely, that of reducing the taxes so as to make them moderate in amount, and uniform and fair in their application, and of removing invidious exemptions which rested upon no just principle. This matter was considered by persons engaged in trade to be one of great importance. He held in his hand a memorial which had been forwarded to him by the hon. Member for the City of London (Mr. Masterman), who had himself borne testimony to the great respectability and weight of those by whom it was signed. These persons, without entering into the abstract question of the merits of the duty or of its extension to foreign bills, felt that a system of equality and uniformity ought to prevail, and that the removal of the prohibitory duties, which now prevented the use of small bills in the home trade of the country, was a matter of vital importance, and of vital importance, not only as an abstract and theoretical question, but because, by facilitating the settlement of accounts, by substituting definite and fixed engagements for mere vague, open credits, it would give more stability and more respectability to the whole mass of the small transactions of the country. These were the grounds upon which the Committee was asked to affirm this proposition, and it must be distinctly understood that if that House continued to the foreign trade the partial, and, as he thought, unjust exemption which it enjoyed, and which he proposed to remove by imposing a duty of 1*s.* for each 100*l.*, it would be impossible for him to proceed with the great and important change which he proposed to make in the stamps upon inland bills of exchange, because the state of the Treasury would not, under such circumstances, permit it to be proceeded with. He would not trouble the Committee, after what had been said by the hon. Member for Kendal (Mr. Glyn), with any observations upon the state of the law in regard to innocent holders; but he must say that he did not think that a matter of 1*s.* per cent was that which was to turn the scale as between London and any market on the Continent, especially when he was aware that France, with Paris the second money market of the world, and Holland, with Amsterdam the third money market, both at this moment adopted this very principle. [Mr. T. Baring dissented.] At the mention of Amsterdam the hon. Gentleman (Mr. T. Baring) shook his head, but he (the Chancellor of the Exchequer) had in his hand an official report from Holland, which showed that in that country the tax was laid upon both home and foreign bills. His hon. Friend the Member for Montrose (Mr. Hume) seemed to think that the whole matter of the resort of money to a particular capital was determined by the existence of a stamp of this kind. Upon this point he (the Chancellor of the Exchequer) would supply his hon. Friend with a single fact. At this moment there was a stamp on foreign bills in Amsterdam, but none in London. In London the rate of discount was 3 per cent. In Amsterdam it was 6 per cent. The object of this measure was not to make additional resources for the Exchequer, but to effect a reform applicable to the internal trade of the country, which, though he granted there was a difference of opinion about it in the City of London, yet in Glasgow and Manchester, and by the great body of the traders of this country, the success of the measure was regarded with great eagerness and anxiety.

Mr. MASTERMAN said, he must beg to explain that the petition to which the right hon. Gentleman the Chancellor of the Exchequer had referred as having been presented by him made no reference to the imposition of a stamp on foreign bills of exchange, to which he was opposed. He did not object to the reduction of the duty on inland bills, but he thought that the Chancellor of the Exchequer had better abandon that than persevere with his other alteration.

Mr. J. B. SMITH said, he wished to inquire what sum was expected to be produced by the stamp on foreign bills?

The CHANCELLOR of the EXCHEQUER said, that he did not believe that any man in England could give a reliable estimate on that subject. According to the best authorities, the amount of foreign bills circulating in this country was 200,000,000*l.*, and the duty upon them would be 1*s.* on the 100*l.*

Mr. SANDARS: Sir, as a representative of a mercantile community largely engaged in the foreign trade of the country, on their behalf I object to the novel and vexatious tax proposed by this Bill to be put on all foreign bills of exchange. To some houses the amount is considerable, to all it is a vexatious and annoying impost. And although, Sir, I quite agree with the proposal to reduce the stamp on all small inland bills of exchange, I do object, on the part of the manufacturers and merchants, to the great increase proposed to be levied by this Bill on the large bills of exchange. The Chancellor of the Exchequer has called it a mere transfer of duty from inland to foreign bills of exchange. Sir, it is no such thing, as it proposes a much heavier tax on all bills beyond the amount of 750*l.*, and, in fact, on amounts from 2,000*l.* to 3,000*l.*, the amount proposed is double, raising the duty from 15*s.* to 30*s.* And, further, the present maximum rate is but 25*s.*, and it is proposed to increase this to 45*s.* Sir, I repeat, on behalf of the mercantile classes of this country, I protest against this increase. I have no objection to the reduction in small sums, but I do object to the levying of that deficiency on the larger bills of exchange.

Mr. JAMES MACGREGOR said, although the right hon. Gentleman the Chancellor of the Exchequer said it was impossible to give anything like a reliable estimate as to the amount he expected to derive from this duty, he (Mr. Macgregor) thought the least they could expect from him was to state upon what estimate he brought forward this measure. He agreed in the measure so far as to the propriety of the reduction of the duty upon inland bills of exchange; but he entirely objected to the tax proposed in relation to foreign bills of exchange. That was a tax which would amount to 2½ per cent per annum. He would certainly vote against the proposition.

Mr. HUME said, that the Committee ought to understand correctly upon what they were going to vote. The Chancellor of the Exchequer had altogether perverted—had altogether misstated the object of the vote. He agreed in the opinion that the proposition in respect to inland bills of exchange was a great advantage; but he objected to taxing now, for the first time, foreign bills of exchange. He did not think that the right hon. Gentleman had treated the question fairly. He (Mr. Hume), and those with whom he acted, said, and firmly believed, that the right hon. Gentleman would endanger the foreign commerce of the country by placing a tax upon foreign bills of exchange.

Mr. MUNTZ said, he also approved of the alteration in regard to inland bills, but he thought that the proposed impost upon foreign bills, though not large in amount, would be troublesome and vexatious, and would cause much loss to gentlemen who did not understand it. He considered that injustice would be done to foreign transactions if foreign bills of exchange were to be taxed, and recommended those who had no experience in regard to such bills to suspend their judgment, and not to imagine that because the tax was small it would be less onerous.

Motion made, and Question put, "That the Clause stand part of the Bill."

The Committee *divided*:—Ayes 173; Noes 110: Majority 63.

Clause *agreed to*, as were also the four succeeding clauses.

Clause 9 (Exemption from Receipt Stamp Duty by letters acknowledging receipt of bills, &c., repealed).

Mr. VANCE said, he should move that this clause be omitted. From time immemorial it had been permitted that the receipt of bills of exchange should be acknowledged without the requirement of a stamp, and he did not see why that privilege should now be abolished.

Mr. GLYN said, he wished to know to what extent it was proposed the clause should go? He thought it would be most vexatious to oblige persons to stamp their letters acknowledging the ordinary remittances by post.

Mr. J. WILSON said, the law at present was in a most unsatisfactory state as regards this subject. The exemption according to law was by no means the exemption that was generally understood. The exemption from stamp duty, according to law, only applied to a person acknowledging the safe arrival of a letter containing bills of exchange or cash; but if he stated to what purpose such inclosures were to be put he was liable to stamp duty. If, in fact, a person acknowledging the receipt of such remittances said that he placed them to the credit of another, he became liable to the stamp. That was the state of the law for many years past, although he admitted it was not so understood. When this exemption was first granted, the postage was very high. Now, however, we had a uniform penny postage, and there was not the same reason for exempting from the receipt stamp letters sent through the Post Office acknowledging the receipt of bills or cash. He ought to add, that this exemption still prevailed in reference to bankers, because they have an exemption under the Stamp Act of last year, and it was not necessary for them to stamp their letters acknowledging the receipt of any moneys placed for the use of their customers.

Mr. G. BUTT said, that the hon. Secretary for the Treasury had just stated what appeared to him (Mr. Butt) to be contrary to law; he therefore thought it a pity that such a statement should go forth without contradiction. The hon. Gentleman said that a letter merely acknowledging the receipt of bills of exchange or cash would not require a stamp; but if the person receiving them added that the inclosed would be placed to the credit of a party, it would, by the existing law, be liable to a stamp. Now, he (Mr. Butt) had had some experience in the law; but he confessed it was the first time he ever heard such a law laid down. He should be much surprised if the hon. Secretary to the Treasury could produce any law to that effect.

Mr. VANCE said, he would propose the omission of the clause altogether. He believed that the hon. Member for Kendal (Mr. Glyn) was about to oppose the clause until he heard that there was an exemption in favour of bankers. He (Mr. Vance) did not see why bankers should enjoy an exemption in this matter.

Clause 10 *agreed to.*

Clause 11 (Stamp duties on duplicates and progressive duties to be chargeable on conveyances described in 16 & 17 *Vict.* c. 63),

MR. HADFIELD said, he begged to propose to add to the clause the words—

> "And, further, the duty charged in the said Act of last Session (16 & 17 *Vict.* c. 63) on conveyances in England and Ireland, and charter, disposition, or contract containing the first original constitution of feu and ground annual rents in Scotland, in consideration of any annual sum payable in perpetuity, or for any indefinite period, whether for farm rent, feu duty, ground annual or otherwise, shall be abolished; and in lieu or substitution for such abolished duty there shall be a duty on the same scale as on a lease or tack of any lands, tenements, hereditaments, or heritable subjects at a yearly rent, without any sum of money by way of fine, premium, or grassum paid for the same, or, where the same shall be with such fine, premium, or grassum, and also of a yearly rent, amounting to 20*l.* and upwards, then both the *ad valorem* duties payable for a lease in consideration of a fine only, and for a lease in consideration of a rent only of the same amount; and, further, that in computing the rent chargeable with conveyance duty by the said last-mentioned Act, a due allowance and deduction shall be made from such rent for any original rent or rents that the premises conveyed shall be subject or liable to."

In point of fact, there was practically no distinction in the interest conveyed by a lease for 1,000 or 10,000 years and a conveyance of the fee simple, and it was therefore unjust that the duty charged in the latter case should be twenty-five times as heavy as that paid in the former, as was at present the case. This unjust distinction was at present acting very injuriously upon the operations of freehold land societies, which had been established for the purpose of enabling the working classes to build houses upon their own land. He trusted that the Committee would agree to the adoption of a similar scale of charges in the case of both the species of conveyance to which he had referred.

THE CHANCELLOR OF THE EXCHEQUER said, he thought the considerations by which he had been governed with reference to this question were of a character which must lead the Committee to come to the same conclusion as that at which he had arrived. It was said that this was a question in which Scotland was concerned, and it was in order to meet the wishes and interests of the people of Scotland that a change in the law had been made last year. It was stated at that time, that whereas a bit of land of the value of 25*l.* might be conveyed out and out for the sum of 2*s.* 6*d.*, or of the value of 50*l.* for 5*s.*, or of the value of 100*l.* for 10*s.*, yet that if anybody chose, instead of purchasing out and out, to purchase, subject to a payment of chief rent, in that case he must pay 35*s.*, whatever might be the amount of his purchase. That was the practice throughout the whole of Scotland, and, no doubt, it operated with extreme severity there. It was not, therefore, for the purpose of raising revenue, but of acceding to a claim which he thought eminently just, that he made certain proposals to the House, of which they had six weeks' notice, and which had occupied fully a month in going through that House. If the hon. Member made his appeal on the part of persons purchasing for small amounts, he begged to remind him that the present law was adapted to meet their case, and to relieve them from the great injustice to which they were subject. So far as the purchasers for small amounts were concerned, they were by no means prejudiced or damnified, but, on the contrary, were greatly relieved by the law as it stands. The objection of the hon. Member related to cases where the purchases were for such an amount as to make the duty greater than 35*s.* That was a question that must be determined upon principle, and they must proceed upon general rules. It might be very convenient to certain parties if it were said that so long as the amount of the purchase made the duty below the old duty of 35*s.*, they should charge according to the principle of 10*s.* per cent; but when it was more than 35*s.*, then they should not charge it upon that principle, but make it a uniform 35*s.* But the effect of that would be to reintroduce, in a most odious and offensive form, the principle of which they were endeavouring to get rid by their fiscal policy, namely, the preference of large money purchasers over purchasers for small amounts. The hon. Member's main proposition was, that they should not charge conveyances which were subject to chief rents as they charged conveyances out and out, but simply as leaseholds. But to such a proposition as that it was quite impossible for the Committee to accede. Moreover, he held that if they were prepared to adopt the principle that all conveyances which were subject to chief rent should pay duty as leaseholds, they must also be prepared to part with their revenue on conveyances out and out. For who was there, with such a change in the law, that would not reserve the payment of sixpence a year or some trifling or nominal amount upon the purchases they might effect? The House of Commons, then, must either determine to act upon some principle which would be conformable to the distinctions embodied in the existing law, or else part with those distinctions. Now, they had enacted that all leasehold conveyances should be subject to a duty at the rate of 2*s*. 6*d*. per cent, and that all conveyances of the fee should be subject to a duty at the rate of 10*s*. per cent. The hon. Member (Mr. Hadfield) would charge conveyances made under a chief rent as leaseholds, and not as conveyances in fee. But was that just? What was the real legal character of the interest acquired by a conveyance subject to a chief rent? Was it like a leasehold interest? Was not a 1,000 or 10,000 years' lease, with a nominal chief rent, as good for all practical purposes as a freehold? And ought a conveyance subject to a chief rent to be treated as in the nature of a leasehold interest, or in the nature of a freehold interest? Why, surely, in the nature of a freehold interest. The interest was in effect a freehold interest, and the Committee had no course to adopt but to charge it as a freehold interest, and that was done by the law as it stood. If the hon. Gentleman had made any proposal of an admissible character, he should be perfectly ready to consider it; but as to his addition to the clause, he felt he had no course to take but to meet it with a negative.

Mr. BRIGHT said, he did not think the right hon. Gentleman understood the proposition of his hon. Friend (Mr. Hadfield); or, if he did, he had discussed it so as to make the Committee not understand it. A conveyance was made of a piece of land from one man to another, at a given rent—say 100*l*. a year—and it was a conveyance for that chief rent for ever, and it became a freehold. Another person took an adjoining piece of land of the same value, for a term of 999 years. Now, how did the Chancellor of the Exchequer tax the two persons making those two arrangements? He said to one of them, "You pay 100*l*. for a piece of land which you took for 999 years, and your tax shall be 10*s*.;" and he said to the other, "You took a piece of land for precisely the same rent, but not for a time that is fixed, and you shall pay 12*l*. 10*s*." In one case the tax was fixed upon the annual rental, and in the other on the multiplied annual rental for twenty-five years. The Chancellor of the Exchequer was endeavouring to persuade the Committee that he was acting upon some principle, though he admitted himself that, as regarded two properties equal in value, he charged in one case 10*s*. tax only, and in the other 12*l*. 10*s*. He (Mr. Bright) maintained the proposition was altogether wrong, because there was no difference of interest, and in levying a tax they should be guided in those matters, as in everything else, by the actual value of the thing taxed. Consistently with his own reputation, he asked the right hon. Gentleman to reconsider this question; and if he did so, he would find that the proposition which had been made by his hon. Friend (Mr. Hadfield) was perfectly just.

Mr. G. BUTT said, he could not give his assent to the Amendment, as he read and understood it. There was no doubt that in certain cases a leasehold interest would be of much more benefit than a freehold interest, according to the terms of the contract for one or the other. But he looked upon this as dealing with taxation upon a principle. Now the law recognised a distinct difference between chattel interest and interest in fee. Even if the hon. Gentleman were about to propose some large measure for doing away with all distinctions, and for putting the system of taxation in matters of this kind on a new footing, he believed it would be difficult to do what he wished—namely, meet the justice of all cases—indeed he thought it would be practically impossible. Therefore, the law of taxation had followed the general rule, and had recognised the distinction to which he had referred, and in the matter of taxation it came to be about fair upon the whole. The question that now arose was, whether the interest described in the first six or eight lines of the Amendment was to be treated as a freehold interest or as a chattel interest. Now that it was in law and in fact not a chattel, but a freehold interest, and an estate in fee, there could be no doubt; consequently, according to the law, that taxation should be upon the principle of the Bill, and he could see no reason for dealing with this exceptional case in the way proposed by the Amendment.

Mr. KIRK said, he trusted and hoped the clause would be postponed, and that relief would be afforded to the parties affected by it, who were by no means a small class, there being about one-tenth of the landed property of Ireland held under the Church or under ecclesiastical corporations. This property was necessarily held under leases, which were renewed every two or three years, and upon every 4*l.* of rent paid there was a stamp duty of 10*s.*, or 12*l.* 10*s.* upon every rental of 100*l.* a year. He hoped that some relief would be afforded to persons who were subjected to this amount of taxation.

THE CHANCELLOR OF THE EXCHEQUER said, he was making a proposal in reference to certain duties, and saw no reason for postponing the clause. He was sure the law of last year had relieved the working classes, and he was prepared to prove it by bringing it to the test of figures. Where a party was subject to a chief rent of 4*l.* a year, the duty on the transaction under the old system was 35*s.*; but according to the new system, the duty formed upon a valuation of the rent for twenty-five years, at 4*l.* a year, would be 10*s.* instead of 35*s.* At the sum of 350*l.*, the duty became equal to what it was under the old system, and above that sum it became higher than it was under the old principle, in consequence of the application of the *ad valorem* system. The cases mentioned by the hon. Member for Newry (Mr. Kirk) were entirely distinct from that to which the hon. Member for Sheffield (Mr. Hadfield) had referred, and had not been brought before him (the Chancellor of the Exchequer). It would be impossible for him to take any step, or to give any answer upon that subject, unless the matter was fully placed before him. He could only say, with regard to the objection that his proposal would interfere with the laudable desire of working men to possess small plots of land for building purposes, that the object of his proposition last year was to afford relief to the working classes under those circumstances.

MR. HADFIELD said, that the proposed scale would press heavily on the purchasers of small freeholds. A lease for 10,000 years at a rent of 5*l.* was subject only to a duty of 6*d.*, but a conveyance of the fee, subject to an equal chief rent, was charged 12*s.* 6*d.*, or twenty-five times as much. The Bill showed the absurdity of keeping up the distinction in this country between realty and personalty, which was productive of the greatest inconveniences and anomalies. A large quantity of land was let in Manchester for buildings at chief rents, and no distinction ought to be made between them and other classes of rents.

MR. MULLINGS said, that in Cheltenham, Bath, and other towns, land was let on leases for ever, as in Manchester. If the land was not built on at the time, a provision was inserted that the rent should be increased sometimes as much as six or seven fold in the event of its being devoted to building purposes. He wished to know what provision was made by the Bill for such contingent increase? He would not discuss the question whether the distinction between freehold and leasehold interests was a wise one, but so long as the difference of tenure was retained, they should keep up the distinction between freehold and chattel interests. He could not support the Amendment of the hon. Member for Sheffield, though anxious, if possible, to relieve the class of persons referred to in Manchester and other towns.

MR. DUNLOP said, he would support the Amendment. Although they might not be prepared to do away with the technical distinction of tenures, yet, when they came to lay on taxes, they should look to the real value of things, and not to some fanciful division of the lawyers. An interest for 10,000 years was, in point of fact, the same as the fee, and no difference ought to be made between the two in matters of taxation. In Scotland leases for years were heritable interests, and not chattels.

MR. BROTHERTON said, he hoped that the Chancellor of the Exchequer would be able to find some remedy for the evil complained of. It was hard that when two parties purchased land of equal value, one should be taxed ten times as much as the other. He regretted he was not able to point out a plan, but he hoped the right hon. Gentleman would consider the matter; it was a subject of much importance, as the present scale would prevent the acquisition of land by the working classes.

MR. BRIGHT said, he would beg the Committee to observe that the only two speakers who supported the views of the Chancellor of the Exchequer sat on the opposite side of the House, and of these the hon. Member for Cirencester (Mr. Mullings) had offered no opinion on the financial point, but only advocated the legal distinction. The Bill now before the Committee was intended to correct some errors in one passed last year; the Amendment went to correct another. The question materially affected the extension of the franchise. If a man took land on lease to build a cottage, he would not be entitled to a vote unless it was of the clear annual value of 10*l.*; but if he took the fee to the value of 40*s.*, it gave him the franchise. This was the most honourable franchise known to the law, and it ought to be encouraged. He was sure it was only necessary to call the attention of the Chancellor of the Exchequer to the facts. He had great confidence in the right hon. Gentleman's opinion on financial points. He placed more confidence in him on such matters than he did in all the rest of his Colleagues on other matters. He was sure that when he understood the evil, he would be the first to propose a remedy; he begged therefore to press on the right hon. Gentleman the necessity of reconsidering the question.

THE CHANCELLOR OF THE EXCHEQUER said, he could not depart from his former statement, although it was very difficult to resist the compliments of the hon. Member. The Amendment proposed to deal with a most difficult matter, but he would consider the question, and see whether it might not be possible to adopt some mode of dealing with this class of conveyances. He had started on this principle, that they had two classes of conveyances, of freehold and of leaseholds. Two rates were to be levied, and a line must be drawn between them. He was inclined to think that the conveyances in question approximated to freehold, but he would consider the question.

MR. HADFIELD said, he would not therefore press his Amendment.

Clause *agreed to,* as was also Clause 12.

Clause 13.

MR. MULLINGS said, he wished to suggest that words should be inserted to the effect that when, in any trial at law or in equity, a deed was put in question, no advantage should be taken of the insufficiency of the stamp without previous notice to the opposite party.

MR. G. BUTT said, he thought there was no necessity for altering the clause to meet the suggestion of his hon. Friend. It would, however, in his opinion, be very advisable, in cases where deeds were stamped and a question arose as to their efficiency, to admit such deeds in evidence, upon a proper undertaking being given which would have the effect of a recognisance, or by the deposit of the difference between the actual stamp and that alleged to be requisite; so that parties should not lose the advantage of having these deeds put in evidence where it was clear there had been a mistake.

THE SOLICITOR GENERAL said, he looked upon the suggestion which had been thrown out by his hon. and learned Friend (Mr. G. Butt) as one which was very well worthy of consideration, but it would be found that in the Common Law Procedure Bill, now before the House of Commons, this point had been anticipated, and, he hoped, provided for. With regard to the suggestion of the hon. Gentleman (Mr. Mullings), he agreed with his hon. and learned Friend in thinking that an alteration in the clause to that effect was hardly requisite.

Clause *agreed to,* as was also Clause 14.

Clause 15.

MR. HENLEY said, he thought that the clause would increase the expenses of the parties. The officer of the Crown might very well count the words, without putting the parties to the expense of an affidavit.

THE CHANCELLOR OF THE EXCHEQUER said, he did not think the clause had been inserted upon light grounds. Under the Act of 1850, when the question was first brought before the Commissioners of Inland Revenue, of whether a deed was duly or improperly stamped, they were obliged to judge of this according to the contents of the instrument. In many cases they might have a presumption, amounting sometimes to moral certainty, that the true consideration was not set forth in the instrument, and the object of this clause was to give to the Commissioners of the Board of Inland Revenue power to require parties to make an affidavit in cases where they had reason to presume that fraud or evasion of duty was intended.

MR. HENLEY said, the affidavit was to be called for in order to show, to the satisfaction of the Commissioners, among other matters, "the quantity of words contained in any such deed or instrument." Now, upon a matter of fact of that kind, which could be so easily decided by a clerk of the Commissioners, he did not think parties should have to run the risk of being put to the expense of an affidavit.

THE SOLICITOR GENERAL said, he considered the provision in the clause to be of more benefit to the parties themselves than might be at first imagined. Ought the rights of parties to depend upon the accuracy of a clerk to the Commissioners? Then, again, who was to pay the expense of the employment of that clerk? He thought that an affidavit as evidence upon the subject, would be infinitely safer to the parties than any other arrangement which could be provided.

Mr. G. BUTT believed that, practically, the clause would not operate, and that parties would stamp their own deeds. Would any man who had committed a fraud state upon his affidavit that he had so done, and thus subject himself to a penalty of 500*l.*? The provision in the clause relative to the counting of words was likely, he thought, to give rise to a great deal of needless trouble.

Mr. PHINN said, he should support the clause, which he only found fault with in that it did not go far enough, and pronounced those who made a false affidavit guilty of perjury.

Clause *agreed to*, as was also Clause 16.

Clause 17.

Mr. VANCE said, he wished to ask, why the duty upon the Dublin pawnbrokers was not altogether done away with? In Dublin, pawnbrokers were subject to an impost which none other in the kingdom had to pay; they were obliged, under an old Act of Geo. III., to contribute 100*l.* in Irish money to the police taxes of the city. Upon complaining of this to the Government some time ago, they were told that they paid no income tax, and were therefore not in the position of their fellow-tradesmen in this country. Now, however, they paid a double income tax, and he hoped therefore they would be released from the payment of the 15*l.* altogether.

Mr. J. WILSON said, the hon. Member did not appear to understand the difference between local and Imperial taxation. It was true the pawnbrokers in Dublin had to pay 100*l.* a year in Irish money for the privilege of carrying on their trade in that city, but to whom did they pay this amount? Not to the Imperial Exchequer, but purely for local purposes; and then, because, forsooth, they paid this, they asked to be relieved from their share of Imperial taxation! He did not see why, because the Dublin pawnbrokers suffered under a high local burden, they should ask to be relieved from a tax which every pawnbroker in the United Kingdom paid.

Mr. VANCE said, that the Government had certainly admitted that the Dublin pawnbrokers were hardly used when they consented to reduce the duty by one-half.

Mr. J. WILSON said, the pawnbrokers in London paid 15*l.* a year duty, while those in the country paid but 7*l.* 10*s.* Dublin had hitherto been treated as a capital, but, as some concession to the pawnbrokers there, it had been determined to put them on the same footing as those of provincial towns.

Clause *agreed to*, as were the remaining clauses.

On the Schedule,

Mr. M'MAHON moved, after the words "inland bill of exchange, draught, or order for the payment to the bearer, or to order, at any time otherwise than on demand of any sum of money," to add the words, "not exceeding 5*l.*, 1*d.* duty; not exceeding 10*l.*, 2*d.* duty." And, after the words "promissory note, for the payment in any other manner than to the bearer on demand of any sum of money," to add, "not exceeding 5*l.*, 1*d.* duty; not exceeding 10*l.*, 2*d.* duty."

Mr. T. BARING said, the effect of reducing the stamp upon small bills of exchange would increase the number of such instruments. It would transform small book debts into small bills, and to the extent that such bills obtained currency they would be a circulating medium. If it were desired to increase the circulation, he thought it should not be by means of small bills. If a man sold goods to the amount of 10*l.*, instead of the buyer being a debtor upon the books of the seller, the seller would draw a bill, and the bill would go as far as it could into circulation. His opinion was, that those parties who required to draw bills of 5*l.* or 10*l.* at long dates ought not to have much encouragement. The reduction of duty, however, would encourage such bills; it would increase the circulation of promissory notes, and not at all add to the security of trade. To those who desired additional facilities in circulation, other and better means might be adopted.

The CHANCELLOR of the EXCHEQUER said, he heard with very great regret the unfavourable opinion of the hon. Gentleman upon the use of bills of exchange by persons of moderate means. For his own part, he looked upon the change now proposed as one of the greatest importance, and he considered it as likely to be attended with the greatest possible advantage. He was not in the least afraid of such bills constituting, in any objectionable sense, an addition to the circulation. No doubt all bills of exchange constituted, in some sense, part of the circulation, but he could assure the hon. Gentleman it was not with the view of escaping from the question which appeared to be involved that the proposal had been made. On the contrary, it had been made under the influence of a strong conviction that nothing could be conceived more desirable to small traders, than that they should be got into the practice of dealing upon credits of a fixed and precise character—a system which would bind them to payments at fixed dates, and lead them to make exact calculations of their means and liabilities, instead of the present comparatively dangerous system of open credits.

Mr. VANCE said, he entirely dissented from the policy of a penny or twopenny stamp upon bills of exchange. He thought threepence was quite low enough, for small bills, instead of being an advantage, were a great nuisance, and they ought to be discouraged instead of being encouraged.

Mr. FRENCH said, few measures would be attended with greater advantage to small traders in Ireland than this, and he cordially supported it.

Schedule *agreed to.* House resumed. Committee report progress.

SUPPLY—MISCELLANEOUS ESTIMATES.

Order for Committee read.

House in Committee, Mr. Bouverie in the Chair.

(1.) 250,000*l.*, charges formerly paid out of County Rates.

Colonel DUNNE said, he begged to call the attention of the Committee to the inequality of taxation with respect to Ireland, which he considered was very little in accordance with the conditions of the Treaty of Union between the two countries. He could not allow the present opportunity to pass without calling attention to the inequality which existed in almost every Vote as regarded the taxation of Ireland and England. He had been repeatedly told by gentlemen of high standing, that the charge for the police of Ireland, which had been taken upon the Imperial Treasury, was in lieu of all injury which Ireland received in respect to other branches of taxation. Now, he had been otherwise informed, that the boon of the police payment had been given in consequence of the repeal of the Corn Laws, which had caused Ireland—an agricultural country—to suffer more than England, which might be termed a manufacturing country. Sir Robert Peel gave half of the expense of the police to Ireland as an equivalent for this alteration. The Irish police force could hardly be said to be a police force in the ordinary sense of the word, for the sum to defray that expense was not voted year by year, and it was doubtful whether the same system would be tolerated in England. But he had been told that the time would soon arrive, when the expense for police in Ireland would be very much lightened, and that a large reduction of that old force might be practicable. When the repeal of the Corn Laws was decided upon, Sir Robert Peel admitted the burden of local taxation, and pointed out equivalents in that direction for the loss which the proposed change would inflict on the agricultural interest. Those equivalents were comprised in charging on Government the expenses of the support of convicts charged with felony and misdemeanor. The expenses of prosecution were also granted to England, but not to Ireland. Expenses of medical officers of poorhouses and schoolmasters were also conceded. England had received compensation in every one of these items, as would be proved by the returns of local taxation which had been moved for, these returns showing that England had obtained remission from local taxation to the extent of between 800,000*l.* and 1,000,000*l.* But although Sir Robert Peel had recognised the justice of the same remissions to Ireland, not one of them had been granted. The principle, however, was recognised on the Votes of 1847, for there it would be found that a sum of 9,000*l.* had been granted towards the expenses of prosecutions. He thought Ireland was fairly entitled to the compensation promised by Sir Robert Peel when he repealed the Corn Laws. No case had been made out for depriving that country of the sums formerly granted for the expenses of prosecutions. In Crown prosecutions the sums granted to witnesses were paid out of the Consolidated Fund; but in all other prosecutions the payment to witnesses was charged on the county rates. It was unjust to place on the county rates in Ireland expenses which were not charged in a similar manner in England. He hoped the Government would agree to a Committee to inquire into the whole subject.

Vote *agreed to*, as was the next vote, 17,306*l.*, Prisons in the United Kingdom.

(3.) Motion made, and Question proposed, "That a sum, not exceeding 371,933*l.*, be granted to Her Majesty, to defray the Charge of the Government Prisons and Convict Establishments at Home, to the 31st day of March, 1855."

Sir JOHN PAKINGTON said, he wished to have some information on one or two points connected with this subject. Under the law which had lately been superseded, a prisoner who had been sentenced to transportation passed the early period of his sentence in separate confinement. He wished to know whether that period of separate imprisonment was still kept up, and if so, whether the period of separate imprisonment was abridged in the same way as the general period of punishment was abridged in comparison with the old punishment of transportation? On the question of tickets of leave, also, he wished for information. He understood that some returns connected with this subject were to be presented to the other House; and he asked if the noble Lord the Home Secretary, had any objection to lay the same returns before the House of Commons?

Viscount PALMERSTON said, that by the Bill of last year no change whatever was made in the manner in which the first period of a convict's imprisonment was passed. That remained exactly as it was; and a convict on being sentenced passed the first period of that sentence in separate confinement. The period of that confinement used generally to amount to twelve months, sometimes more. But it appeared to him, from information he had received from various quarters, that separate confinement continued for that period was too long, and was, generally speaking, injurious both to the bodily and the mental health of the prisoners. It had been reduced now to nine months as the maximum, but in cases where, from the peculiar constitution of the individual, it appeared that even that period would be injurious, there was a power to shorten it still further. It was right to say that two opposite opinions were entertained with respect to the separate system by those persons who had the superintendence of prisons. Some persons, whose opinions were entitled to great respect and weight, contended that the system was attended with a very beneficial effect—that it gave opportunities for reflection, and for listening to the exhortations of the chaplain, and thus facilitated the work of reformation. There were other persons who thought that the separate system laid, generally speaking, too great a strain upon the mind, and that, except for short intervals, it ought not to be followed. He believed that the truth lay between the two—that those persons who were strong-minded might turn the period of their separate confinement to good account, and that in the cases of those who were not so circumstanced the period ought to be shortened. With regard to the returns, he believed there would be no objection whatever to furnish that House with all the information that was laid before the other.

Mr. HENLEY said, since the alteration of the law with respect to secondary punishments, and indeed for some time before, there had been a tendency to sentence criminals for long periods of imprisonment in the county gaols. Now, in many of these the separate system of confinement was in force, and in others preparations were made for enforcing it; and from this circumstance he thought that any information which the noble Lord could furnish as to the working of the system would be of great value to the visiting magistrates of these gaols. It was true, as the noble Lord stated, that upon some constitutions the effects of separate confinement were detrimental; but the approach of the change was in most cases so gradual that the convict might remain subjected to its influence for months before his condition would justify an application to the Crown for a remission of the sentence, which, however, when it was made, was always sure to be answered.

Viscount PALMERSTON said, he thought the right hon. Gentleman was in some misapprehension as to what he had stated. He was speaking of the cases of persons sentenced to a punishment equivalent to the old penalty of transportation, not of the case of persons sentenced to one or two years' imprisonment. What he meant to say was this—suppose a convict was sentenced to an inprisonment equivalent to seven years' transportation, the first nine months of that period would be passed in separate imprisonment, where he could have communication only with the officers of the prison. After that period he would be removed to what was called the association ward, where he would have intercourse with the other prisoners; and after being there for some time, he would be sent to Portland, or some other public works. Now, the discretion of shortening the first period of imprisonment did not lie with the Crown, but with the governor of the gaol, who could, when he saw fit, remove the man at once from the separate cell to the association ward.

Mr. HENLEY said, he understood that; but what he meant to say was, that many county gaols built under Goverment superintendence had been constructed on the separate system, and had not, he believed, sufficient accommodation for associated confinement. He still thought magistrates and others would feel a difficulty in dealing with persons sentenced to imprisonment for a year or eighteen months, and it was with reference to that point that he had asked the noble Lord to produce his information.

Sir JOHN PAKINGTON said, he agreed that the earlier period of the sentence should be passed in separate confinement. He had always regarded the punishment of separate confinement with great apprehension, and thought that it ought to be undergone for a very limited period. He was glad, therefore, to learn that the noble Lord had decided on reducing the maximum period to nine months. Perhaps, the noble Lord would state how long that reduction had been in force.

Viscount PALMERSTON: In the course of last autumn.

Mr. PALK said, he begged to ask if the discipline undergone by the prisoners at Dartmoor was the same as that undergone by other prisoners, and whether the noble Lord had not seen cause, in the course of his experience, to doubt the efficiency of separate imprisonment?

Viscount PALMERSTON said, that Dartmoor was set apart for those convicts whose constitutions unfitted them for the severe discipline undergone at Portland and other places, and therefore there was, of course, some difference between them. With respect to the separate system, his opinion was, that it was, upon the whole, a beneficial one, and essential to any fair trial of reform. The prisoner was left in the cell with the books that were provided for him, and where he could see only the chaplain and the other officers of the gaol, all which tended to produce a proper impression upon his mind, so that he had no doubt the general effect was good, if it were not carried too far.

Mr. MACARTNEY said, that the statement made by the noble Lord would give rise to alarm in Ireland, where the prisons lately built had been built on the separate system. Through the misconduct, he might say, of the Irish Government, they had had prisoners kept in prisons in separate confinement for four years and seven months, but had never received any evidence of such men being injured, either mentally or bodily. He considered that the system had worked well, and that the Government ought to fairly investigate and try it before they called upon counties in which prisons had been built on the separate system to alter and provide accommodation for the association of prisoners.

Mr. NEWDEGATE said, he agreed with the noble Lord that the separate system was good, but might be carried too far. He rose, however, to ask a question with respect to a case that had been mentioned to him. It appeared that a gross malefactor had been released from prison on the promise of his friends to find him employment. But that employment lasted only for a short time, and he was informed that the man was again resorting to his former licentious and dangerous mode of living. He wished the noble Lord would inform the Committee when convicts were released on the promise of their friends to find them employment, what security was taken that that employment would be permanent?

Lord SEYMOUR said, he wished to say a few words upon the general subject of transportation, and for that purpose he would take the five Votes relating to prisons and convicts together. It appeared that these Votes had a constant tendency to increase; for last year their total amount was 898,000*l.*, this year they amounted to 988,871*l.* They were told last year that transportation was to cease; but last year the Vote under that head was 69,000*l.*; it was now 92,000*l.* For the same reason, he expected that the home charges would have increased, but, on the contrary, they appeared to have diminished; last year the charges for prisons was 407,000*l.*—this year it amounted only to 371,933*l.* It would be very unfortunate if, after all that had been done, they should be obliged to return to the old system; but from all that he had seen in the newspapers of the misconduct of some of the liberated prisoners, he was much alarmed and afraid that that would be the case. He wished, therefore, that the noble Lord would tell the Committee what the present working of the system was, and what was its prospect of success.

Sir JOHN PAKINGTON said, before the noble Lord replied, he wished to ask him how the present remnant, if he might so call it, of transportation was carried out? Last year it was explained that it was intended to send a certain portion of convicts to Western Australia, and he inferred from the Votes that the Government was now sending out a portion of convicts to that Colony. He wished to know, likewise, on what principle it was determined who were to be sent to Australia, and who not? Was it considered a more severe punishment than penal servitude in England? or was the selection arbitrary and accidental? He also wished to ask whether the Government intended to increase the number of prisons in England, and, if so, whether the new prisons would be established on the same plan as that at Dartmoor?

VISCOUNT PALMERSTON said, with respect to the question of the hon. Member for North Warwickshire (Mr. Newdegate), he had to state that when a prisoner was in a condition to find employment it was difficult to obtain any security that his professed intentions would be followed out; but sometimes application was made for the pardon or release of a prisoner, whose offence was not serious, on the condition that his friends or family would employ him. They in such cases acted on the probability that the condition was well founded, and took the chance of the prisoner being employed by his friends. But in the case of leave, they had a hold upon the prisoner, for, if they heard that a prisoner who had been released misconducted himself, the very condition of the leave was, that he would be liable to be called back again and compelled to serve out his sentence. He was glad to state, however, that, out of a considerable number of prisoners so sent out, a very small proportion had been reported as misconducting themselves, or deserving to be called back to prison. In a few cases steps had been taken to bring persons back to the public works from which they were released, but the number was greatly diminished. With regard to the question put by the noble Lord (Lord Seymour), the excess of expenditure arose from the increased price of provisions in Australia; but they had reason to think that, on the whole, the substitution of retention at home for transportation would be attended in the end with a considerable diminution of expenses. It certainly was intended to increase the accommodation, if he might so call it, in the means of lodging prisoners at home; and there was no likelihood of any deficiency of public works on which to employ profitably for the public the actual number of prisoners who might be kept in this country. A few were still sent to Western Australia — he believed about 900 had been sent over—and the selection was necessarily left to the officers in command at the depôt for prisoners. A selection was not made of the worst offenders, but of those who were most likely to be useful in the colony to which they were sent. Whether they called it a more severe or less severe punishment than retention in England, they were not selected with reference to the gravity of their offences, but rather with a view to their fitness for employment in the colony.

COLONEL SCOBELL said, the increase in the Estimates to which the noble Lord the Member for Totness (Lord Seymour) referred related chiefly to salaries, and would have little to do, therefore, with the increased price of provisions. He was of opinion that the new system of secondary punishments would break down, and he was surprised that the world was not large enough to allow of places where they could send their convicts to.

MR. HENLEY said, he found one item of 9,000*l.* for clothing and for travelling expenses to prisoners on their liberation. From the noble Lord's remark, it appeared that the greatest rogues were not sent out to the Colonies, but were retained at home; and it appeared from this item that the number of prisoners so retained could not be small. He did not think this was a pleasant subject to contemplate.

MR. FITZROY said, he should be happy to set the right hon. Gentleman's mind at rest with regard to this subject. In the course of last year 1,194 convicts had been liberated in England with tickets of leave, and of that number only three had had their tickets of leave revoked. For the purpose of saving them from the temptation to which they would be naturally exposed if let loose upon the world in a state of destitution, with their names utterly branded and unable to provide for their sustenance by honest means, it was thought desirable, and more especially since the Government had endeavoured to make their labour productive, to set apart a portion of their earnings weekly, to be given them on leaving, the amount varying according to classes, the first class being 9*d.* a week, the second 6*d.*, and the third 3*d.* These several sums, small as they were in weekly divisions, in the course of years amounted to sums sufficient to procure sustenance during some days; but of course it would be trifling with the promised accumulation if they were put to the expense of conveyance to the place of their destination out of this small sum; therefore their fare to the places they chose to name as the most likely in which to find employment has been paid in addition: and it was thought right to give them a small allowance of clothes, that they might not attract observation, but reach their destination in a proper state. It was to meet these different sums that the Vote of 9,000*l.* was taken; and as in the course of the year 3,000 persons would be discharged, exclusive of those discharged in Ireland, he did not think that amount excessive. With respect to the increased expenditure in Australia, it arose from the necessity of raising the salaries of the officers employed, in consequence of the high price of provisions; and with respect to additional accommodation, a new wing had been built at Portland Prison, and Brixton Prison had been purchased and fitted up for 700 female convicts, which would leave that additional accommodation for males at Millbank.

Mr. HENLEY said, he agreed that the amount was not excessive, and that it would be extremely cruel to send these men out without some fund for their maintenance for a short time. He wished to know whether the 1,194 ticket-of-leave men included any whose sentences had expired?

Mr. FITZROY said, the 1,194 men were those to whom tickets of leave were granted as a commutation of punishment, upon the scale of three years' imprisonment for seven years' transportation, and four years' imprisonment for ten years' transportation, and whose conduct had been sufficiently meritorious.

Mr. SPOONER said, he wished for an explanation of an item under the head of special service, "provision for Roman Catholic priests, 550*l.*" He would like to know what special services were performed, and whether the charge, which was perfectly new, was intended to be a continuous charge or not?

Viscount PALMERSTON: I suppose the hon. Gentleman wishes to know why Roman Catholic priests were allowed to attend prisoners.

Mr. SPOONER: It is not stated that it is for attending prisoners.

Viscount PALMERSTON: That item of 550*l.* is payment for Catholic priests attending convicts in Government gaols.

Mr. SPOONER: Are they paid as chaplains, and are they only retained in Government prisons?

Viscount PALMERSTON: Yes; in the Government prisons. It is an estimate of the sum for the current year for Catholic priests who attend those convicts in Government prisons who are of the Catholic religion.

Mr. SPOONER said, he must confess that the explanation of the noble Lord was perfectly unsatisfactory to him. He believed it would not be satisfactory to the Committee, and he was quite sure it would not be satisfactory to the country. This was a new Vote. They had never yet been asked to pay Roman Catholic priests, and if the Roman Catholic priests were paid, there was no reason why Dissenting ministers of every class should not be paid. He wanted to know why the distinction was made that Roman Catholics were the only class to be recognised by the Government. He felt that the plan of the noble Lord was totally unjustifiable, and ought not to be introduced to the Committee without being fully explained. Why was the Roman Catholic priest to be paid for attending to what he considered to be his duty? It was not a question of toleration, for as the law stood, every person who dissented from the established religion of the country had a right to be visited by the priest or clergyman of his persuasion. On entering the prison he was asked to what sect he belonged, and he was then told that if he wished to have the spiritual instruction of a minister belonging to the denomination to which he belonged, he had only to apply to the governor, and the governor was under orders immediately to send for him. The Committee would recollect that was to be on the special application of the prisoner himself, and that was as large a limit of toleration as the most tolerant could expect. He was surprised that a Minister of the Crown should ask them to pay priests for instruction in a religion which the Sovereign had declared, by Her assent to the Articles of Religion, "an idolatrous fable and a dangerous deceit." It was perfectly inconsistent with the Protestant Constitution, and with the terms on which the present family held the Throne. Were they to go on thus by degrees and abandon the whole principles of Protestantism? He called upon a Protestant House of Commons to desist from such a course, and would certainly move that the Vote be reduced by the sum of 550*l.*

Motion made, and Question put,

> "That a sum, not exceeding 371,383*l.*, be granted to Her Majesty, to defray the Charge of the Government Prisons and Convict Establishments at Home, to the 31st day of March, 1855."

VISCOUNT PALMERSTON: Though I may not be so vehement a Protestant as the hon. Gentleman opposite, I flatter myself that I am as good a one. If violent speeches in this House, hard words, and cutting off Estimates could convert all our Catholic fellow-subjects into Protestants, I should join with the hon. Gentleman opposite, subscribe to his speeches, and vote for his Motion. But, unfortunately, neither his efforts nor mine, nor both combined, could have the effect which he desires; and therefore, as it happens that we have a large portion of our fellow-countrymen who are Catholics, I think that it is better to treat their religion with respect, and to give to those who are of that faith the means of becoming better Christians than they may happen to be in the condition to which they have been reduced. The hon. Gentleman is mistaken in thinking that in principle what is now proposed by this Vote is new; because the system which I wish to extend to all the Government prisons has for several years been in practice at Millbank. There has been there a regular allowance to Catholic priests for attending those convicts who are of the Catholic religion. Upon the admission of convicts, they declare the religion to which they belong; and those who declare themselves to be Catholics are regularly attended by the Catholic priest, who performs divine service upon Sundays, Good Fridays, and Christmas-day, and who attends once a week for the male and once a week for the female prisoners, to discourse with them collectively, and to give exhortation individually to those who may require it. At Millbank, also, when a convict is so ill as to show that he ought to have religious consolation, a priest is sent for, if he is a Catholic, and he gives him his ministration. That system was established before my time. I think that it is a good and proper one, and it is my intention that it should be extended to all the Government prisons, and for that purpose this Vote is proposed to the Committee in the Estimates of this year. It really does not occur to me that the Protestant succession to the Throne is likely to be endangered by that treatment of Catholic convicts, and I cannot seriously, therefore, share in the alarm of the hon. Gentleman. The hon. Gentleman is of opinion that we should wait always until a convict wishes to have a priest, and then that the priest should come at his own expense, and, from a proper sense of duty alone, should perform the service which is required of him. Now, in the first place, I observe, in answer to that, that the man who most wants spiritual exhortation and assistance is the man who is least likely to ask for it. But what is the object we are aiming at by prison discipline? It is not merely punishment, but it is a combination of punishment with reformation. We want to avail ourselves of the period during which a man is confined in prison to alter his mind, to give a new turn to his thoughts, and to inspire him with ideas and feelings which probably never entered into his mind before. We wish to turn him out a better man, less dangerous to society, and more likely to become a useful member of the community. How are we to accomplish that? The Protestant has the ministration of his clergyman. The Catholic, of course, cannot advantageously receive the ministration of a clergyman of a religion not his own. You cannot expect that the exhortation and admonition of a Protestant clergyman can have a great effect upon the mind of a Catholic convict, any more than you would expect that the exhortation of a Catholic priest would have much effect upon the mind of a Protestant. If the hon. Member for North Warwickshire, for example, were to be addressed by a Catholic priest—I am sure it is not likely—I am quite aware there is nothing in his tone of mind to be mended—I do not think he would derive much advantage from the exhortations of a priest of the Catholic religion. If you want to get at the mind and the heart of the man, you must employ somebody who can reach that mind and teach that heart, and therefore I say that the purpose for which the man is confined in prison will be marred and defeated if you do not give him during the time the assistance of the priest or clergyman—call him what you will—of the religion to which that man belongs. Well, Sir, I think the system established by my right hon. Friend the Member for Morpeth (Sir G. Grey) is as good as can be devised. The priest has weekly access to the convicts, and any convict who declares himself a Catholic is not at liberty to refuse to attend Catholic worship. He, like the Protestant, is obliged on Sunday to attend according to his faith; but if a Catholic wishes to become a Protestant, or a Protestant wishes to become a Catholic, a fortnight is allowed for reflection, and according to his ultimate conviction he may change from one to the other. The Catholic priest does not come in contact with the Protestants, and therefore the hon. Member need not be alarmed that prisons will be turned into places of conversion from Protestantism to Catholicism. I am sure the Committee will feel that, on the other hand, your prisons are not to be employed for the purpose of turning Catholics into Protestants. That is not the purpose for which prisons are established, and such conversions would be no advantage to persons who pretend to gain from such a change of religious opinion. I cannot persuade myself that the Committee will feel any doubt of the propriety of such a provision. What we want is, to give to men who have committed crimes, who have been sentenced to punishment for those crimes, the opportunity, while undergoing sentence, of having their minds mended and their sense of right and wrong either created or improved, and that can only be done by affording them the opportunity of religious instruction from the minister of religion whose doctrine is their own, and who can therefore appeal to those feelings which either education or nature has implanted in their minds.

Mr. SCHOLEFIELD said, that the Motion of the hon. Member for North Warwickshire (Mr. Spooner) amounted to this, that provision should be made by the State for those inmates of gaols who happened to be members of the Church best able to pay its own ministers—the Established Church of England—but for those who happened to be members of one of the poorest Churches, the Catholic Church, no State provision should be made. Nothing, in his opinion, could be more monstrous or unjust than such a proposition. His hon. friend used the old argument that Protestantism was all truth and Catholicism was all error. [Mr. Spooner: Hear, hear.] His hon. Friend might be right, and perhaps, as a member of the Church of England, he did not very widely differ from his hon. Friend as to what were the errors of the Catholic Church; but he thought that neither his hon. Friend nor any one else had a right to dictate to any person in this country, what was truth or what error. Last of all, should such dictation be allowed in a country, whose very Protestantism was a standing protest on behalf of the right of private judgment. With respect to the subject immediately under the consideration of the Committee, it was either the bounden duty of the State to provide for the religious instruction of convicts of all sects—in which case the State should entertain no exceptions—or such religious instruction ought to be left entirely to private benevolence; and if the latter alternative were adopted, the Church of England must, of course, withdraw from any ultra pretensions in this respect altogether. The hon. Member's statement as to this being the first time the proposed system of employing Roman Catholic priests had been proposed to the country was incorrect, as the Estimates themselves proved that there already existed several votes for this purpose. He regretted to recognise the hon. Member for North Warwickshire as again pressing forward to raise the religious bigotry—he could find no better word for it—of the Committee, and the injudicious course adopted by the hon. Member in this respect went far to prove how this unhappy spirit of bigotry could blind the eyes and abuse the judgment of even excellent and sincere men, and force them to resort to the exposition of all kinds of harsh and unnecessarily bitter views on these religious questions. He hoped the Committee would be liberal enough to sanction this Vote, and do so by a large majority.

Mr. NEWDEGATE said, he would remind the hon. Member for Birmingham, who had given notice of an Amendment to discontinue the payment of the salaries of the Church of England chaplains and assistant chaplains of gaols, in the event of this Vote, which the hon. Member intended to support, being, contrary to his wishes, struck out, that this was a Vote for Roman Catholic priests only. He (Mr. Newdegate) could not understand how, on principles of religious equality, which he professed, the hon. Member could vote for this grant to Roman Catholic priests only, and consent to the exclusion from similar assistance of all other Dissenting ministers. He (Mr. Newdegate) wanted to know why the clergy of the Presbyterian denomination were not to be provided for—why the clergymen of the Scotch Church were not to be provided for—why the ministers of all the sects dissenting from the established religion in this country were not to be provided for—and why it was for clergymen of the Roman Catholic Church only that this provision was to be made? He thought the noble Lord the Home Secretary had left that point completely untouched. The noble Lord had told the Committee that hitherto Roman Catholic prisoners had had the opportunity of demanding the attendance of Roman Catholic priests whenever the prisoners requested their attendance. But the noble Lord was not content with this. He wanted that the system which had been adopted recently at Millbank should be extended to all the Government prisons, that Roman Catholic clergymen should be paid regular salaries to attend, and that Roman Catholic prisoners, whether desirous of the ministration of those priests or no, should be compelled, *nolens volens*, to attend them. He maintained that this, so far from being a tolerant system, was a system of coercion. Why were they to enforce upon the prisoners attendance upon these Roman Catholic priests, when the prisoners did not wish to attend them? Were they so convinced that their teaching would be advantageous as to be justified in making the attendance on it compulsory? Was the noble Lord quite sure that he was warranted in assuming that these Roman Catholic priests would reach the hearts of the prisoners, and inspire them with a reverence for law and order? He much doubted the noble Lord's authority upon that point. He thought that when the Home Secretary acted on the principle that if a prisoner desired the attendance of a priest, or of a minister, of whatever religion he himself professed, that priest or minister should be sent for, and should attend the prisoner demanding his assistance, he had gone the whole length which the principles of toleration could require. But he was prepared to admit further, that if the priest or minister incurred expenses in responding to the call, it might be quite right that those expenses should be paid, because the prisoner being confined and unable to go to the priest or minister himself, and there being no right to deny him the attendance of a priest or minister when he desired it, there might be a fair case made out for the payment of the expenses of a journey undertaken in compliance with his wish. But that was not the system proposed under this Vote; that was the system which the House was asked to abandon by adopting this Vote. The object of this Vote was to compel prisoners, who declared themselves Roman Catholics on their entrance into the prisons, to attend to the ministration of the Roman Catholic priests contemplated by the Vote. This would not be toleration; it would be coercion. There must indeed be some religious instruction, and in England we had an Established Church—the truth of the doctrines taught by which the State acknowledges; and he (Mr. Newdegate) thought that if a prisoner did not dissent from that Establishment, he should be obliged to attend religious services in connection with it. When a man had forfeited his liberty, and did not deny the truth of a religion which the State believed to be true, the State had a right to compel his attendance upon that religion; but it was different with a religion which the State did not believe to be true. The State had no right to exercise the coercion, which, in the case of Roman Catholic prisoners, it was now proposed to exercise. Although the noble Lord said a fortnight would be allowed to a convict to consider to which clergyman he would be transferred, the system was a system of unjustifiable religious coercion, not of toleration, and moreover identified the Government with a religion which was not the State religion. The noble Lord introduced this as a slight change; but surely he might have received a warning from the letter of priest Oakley, who wrote to the noble Lord that he and other Roman Catholics would consider that by this Vote there would be established Roman Catholic chaplaincies, which would be a long step towards, if not at once equivalent to, the establishment of their religion. He (Mr. Newdegate) was of opinion that one established religion was enough for a State. Hon. Members need not suspect him of intending to vote for the establishment of another and conflicting Church connected with the State. There were the strongest reasons why there should be no difference in dealing with Roman Catholics and Dissenters. The Church of Rome alone aimed at supremacy. The Roman Catholics professed that they would be satisfied if they obtained toleration. Was that the case? The priests of the Roman Church have full toleration, but they are not content; they are seeking establishment for their Church, and if you grant them establishment, they will at once claim supremacy. It is an old story, a large item in the history of this and every European country, that the ambition of the Roman priest is everywhere and always the same, always insatiate and insatiable. It is hopeless to appease such ambition by concession; each concession is treated but as a stepping-stone to further aggression. There was no limit to that Church's ambition or demands. In this respect Rome differed from all other sects. She attempted in this country not only the establishment of the Church of Rome, but a separation into a distinct community of the professors of that faith. Cardinal Wiseman might be said to be an exponent of the polity of the Church of Rome in England. ["No, no!"] If hon. Members disputed Cardinal Wiseman as an authority, it might be doubted whether they were good Roman Catholics. What said Cardinal Wiseman, however? That the Roman Catholics must not be confounded with other Dissenters. In a lecture delivered on Sunday, December 22nd, 1850, at St. George's, Southwark, Cardinal Wiseman said—

> "There is at present clearly a religious conflict going on in this country. The Catholics here are not, and never have been, merely a collection of persons holding certain opinions in common, but are a systematised organised religious community, representing here the Catholic Church of the universe."

In his next lecture the Cardinal still further explained this matter—

> "Wonderfully, indeed, has our little Church recovered and righted itself, and established all that was essential for the great ends of religion. But still all that has been done could only be as preparatory to the final completion of its restoration. Unity of purpose, of methods, of laws, is an essential characteristic of our Church. Varieties of discipline, uncertainty in modes, diversities of practice, necessarily remain after such an anomalous state as our forefathers lived in, and the effectual remedy can only be found in the combined action of the Church's rulers, which has existence solely in a regularly constituted hierarchy. For in a country divided into vicariates, however numerous, each has a perfectly free and independent action, as much as if each were situate in a different country. There is no organic bond of union between them, no one who can convoke them into synod, no power to give their joint acts a general authority."

Again, Cardinal Wiseman said that a uniformity of method and laws was essential. He added—

> "Hence great diversity in matters of practice might prevail among them without any regulating and adjusting power. But in a hierarchy this is at once corrected. The bishops of the see are connected together through a metropolitan, or primate, if there be more than one archbishop; he can unite them, and from their combined decisions, canonically approved and sanctioned, emanate rules and principles of conduct which bind all and secure uniformity."

Now, considering the principles thus laid down, he (Mr. Newdegate) certainly did not think this the time for picking out Roman Catholic priests for special promotion in derogation of all other Dissenters. For it was clear that, although under their former organisation, under the ancient and comparatively free religious organisation of the Roman Catholics in this country, under the ancient usages by which the canon law of Rome had been limited in its operation upon the Roman Catholics of England, matters had gone on tolerably; that now there was an attempt on the part of the Pope, his cardinal, and his priests, to separate the Roman Catholics of this country into a distinct community, governed in all things by foreign laws and principles alien from the State and from the rest of the community. This was of all times that at which it was most dangerous to admit of any distinction between the Roman Catholic priests and the ministers of other religious bodies dissenting from the Established Church. To do so, would be to sanction the Papal aggression of 1850, by fulfilling the objects of it. These, however, were not the only considerations that condemned this Vote. He would ask the noble Lord, also, to consider whether recent evidence went to prove that these Roman Catholic priests have within the last year manifested such subordination, such reverence for the law, or such obedience to authority, as would lead to the belief that they were likely to inculcate these duties of obedience and reverence to the law upon prisoners committed to their teaching, or as would encourage any prudent man to advocate any increase of their power? Why, in a case which had been tried in Ireland, before Judge Torrens, one Roman Catholic priest (the Rev. Mr. M'Loughlin) called as a witness for another priest (Mr. Campbell), then upon his trial on a charge of violating the marriage law, had distinctly stated his opinion that the law which called upon the Roman Catholic priest to ascertain that neither of the two parties coming to him to be married had been a Protestant within twelve months was an unjust law, which he should be justified in evading by every means in his power, and that he would, if he had the opportunity, do all in his power to evade and defeat the law. Judge Torrens, in his charge, thus commented upon and condemned the conduct of these two Roman Catholic priests—

> "That, with regard to the aspersions which

had been cast on the law under which Mr. Campbell was prosecuted, not so much by the prisoner's learned counsel, who had, perhaps, only complained of the Statute in the ordinary tone of an advocate, as by the language of one of the witnesses, who, although in the garb of a clergyman, had declared, on his oath, that he considered it his duty to evade the law in question—God be praised that the court and jury were in a different frame of mind! God be praised that they had no consciences which taught them to act contrary to the law! It was their duty not to endeavour—not to struggle with themselves to evade the law, but to exert themselves in order that the law should be properly administered. In the course of his judicial experience, extending over a period of fifty years, he had never heard so daring a denunciation of the law as that pronounced by the clerical witness to whom he had alluded."

Again, towards the conclusion of his charge, the learned Judge repeated that his experience of half a century afforded no parallel instance of defiance of this law in open court as had the conduct of these two priests. He (Mr. Newdegate) humbly submitted that such conduct was not calculated to inspire confidence in the priesthood as examples of obedience to, or reverence for, law. But this was not all. There had been within the last year melancholy evidence of how little the teaching of the priests of Rome was calculated to bring malefactors to contrition even for the grossest and the foulest infractions of the law. Nothing had produced a deeper or more melancholy impression upon the public mind than the accounts of the condition of mind to which wretched criminals had been brought when on the very verge of eternity — when about to expiate their guilt under the just operation of the law. The circumstances attending the execution of the murderers of Mr. Bateson (Grant, Quin, and Coomey) had produced a deeper impression upon the public mind of this country than almost anything that he ever remembered. These men, after a long delay and protracted search, had been arrested and convicted of one of the basest, most cold-blooded, and vindictive murders ever committed, and when they were brought to execution all who were present were shocked by the fact that these men were induced, by the Roman Catholic priests who attended them, to consider themselves as martyrs and heroes. [*Cries of* "No!"] He (Mr. Newdegate) would not have made that statement without having adequate proof of it, but as hon. Members chose to question the authenticity of the fact he had stated, and it was too grave to be trifled with, he trusted the the opportunity; and in the other they had Committee would hear the evidence in support of it. He had read three reports of this melancholy transaction; he would now read an extract from the account given by the correspondent of the *Times*, who was present at the execution—

> "In the course of the conversation which ensued, Coomey particularly entered into religious topics, remarking that he never, in the whole course of his life, felt so happy as he did at that moment, with the confidence before him of, in a brief time, meeting his Saviour. Quin said that if a reprieve should come, he would not accept it, as he should never be better prepared to die than he was at that time."

Here was another extract from the same account—

> "The last rites of the Church having been administered to them in the chapel of the gaol by the Rev. Messrs. Hughes and Smith, the procession was formed to the press room. In passing from the yard to the press room an accident occurred which, though trifling in itself, tended to show Quin's state of mind. Clothed in their dead dress, the two men passed through the yard, each in company with his spiritual adviser, and during the time they were shaking hands with some of the officers of the prison, the Rev. Mr. Smith had passed some distance in advance of Quin, when the latter came skipping after him like a school girl, threw his arms round his neck, and drew him on with a lightsome, hurried pace for a short distance."

This was in accordance with the account of what had happened that morning. Mr. Swanzy, the sub-sheriff, called upon them in the morning, and on going up to them said, "he was sorry to see three men in their position." "Sorry!" said one of them, in a tone of surprise, "why it is glad you should be, sir!" He then asked them whether they had any statement to make to him in relation to the offence for which they were about to die? "No," said Coomey, "Our Saviour said nothing when he was executed!" The circumstances of the execution, as narrated in the public journals—and none of the three reports which he had read varied in any material point—certainly justified him in saying that, under the ministration of these priests, these miserable murderers had been brought to consider themselves as martyrs; and, when the noble Lord opposite expatiated upon the probability of the Roman Catholic prisoners finding their hearts touched by the ministration of these priests, he thought they had a right to point to these two instances which had occurred within the last year. In one of these a Roman Catholic priest had broken the law, and another in his evidence, had defied it, declaring that he would break it if he had seen men, brought to the verge of eternity by their own misdeeds, persuaded by their spiritual advisers, in that solemn hour, that they were suffering martyrdom. This Vote, he believed, was not only not consistent with the principle of toleration, but it was peculiarly misapplied to the circumstances of the present time, because it tended to encourage the ambitious and aggressive projects of the Church of Rome, and because recent facts had shown that the Roman Catholic priests were not in a temper of mind to promote among the prisoners in our gaols those feelings of reverence for the law and contrition for its infraction which were the objects of all punishment and all penal establishments.

Mr. DRUMMOND: Sir, I think that this debate, which no one regrets more than I do, has been altogether occasioned by the ill-advised form in which the Vote has been proposed. If this Vote had been proposed as a general arrangement for the advantage of all classes of prisoners, let them belong to what denomination they might, it certainly should have had my reluctant support, because I think that the true principle is, that you should not give public money to any sect but that which the State supports. I am speaking of an abstract theory, but you cannot stand now in your present circumstances upon that theory. You have gone too far. It is needless to quote the Queen's Coronation Oath with respect to the Roman Catholic Church. You must remember what her oath also says with respect to the Presbyterian Church of Scotland; and you must recollect, also, what the Presbyterian Church of Scotland says to all your episcopacy—

> "Whene'er you see a Bishop, Jock,
> The Pope's nae far awa'."

Now, Sir, I found only this morning, oddly enough, in a provincial paper sent to me, a letter which appears to me a very proper letter, signed by my right hon. Friend the Secretary at War, with respect to the Roman Catholic and Presbyterian clergymen, and the clergymen of all religious sects, who are to attend our soldiers in their different cantonments; and it seems to me that this principle ought in justice to be applied to our gaols. You cannot put aside or make a distinction between one sect and the other. It is all very well for one hon. Gentleman to say, "I have a particular objection to this," and another, "I have a particular objection to that," but it will not do for the State to act on any such objections. The State must act on some plain, honest, recognised, intelligible principle. Then, again, it is not because I have the smallest doubt that Roman Catholic priests will do again just what they have done for a thousand years, that I take this view of the question. I do not shut my eyes to all the danger which they will produce in the State; but I say that this is not the way to meet them. You are reverting to the old error, which was to meet political danger by theological tests. If you find the Catholic priests misconducting themselves in gaols, punish them for so doing, but do not enter into the question of their theological tenets. Here, however, is a great practical difficulty. I would like to be informed how the Government are to know Roman Catholic priests. [*Laughter*]. Hon. Gentlemen may laugh, but the fact is at the present moment you have no means of knowing them. Will any hon. Gentleman give us a clear and legal definition of a Roman Catholic priest? You have no legal evidence of what constitutes a Jesuit. You brought a Jesuit into the House of Lords and you could not prove it. I revert, then, to the very first words I pronounced in this House—you ought long ago to have redeemed your pledge and established the Roman Catholic Church in Ireland, and then you would have had a clear means of knowing who were and who were not Roman Catholic priests, and you would have had some security that they should be respectable men. Certainly I think there is very great danger likely to arise from persons calling themselves priests being employed in connection with your army and gaols *ad libitum*, but until you have some authoritative means of knowing what they are, you must incur that risk. You have such means with respect to Presbyterians, because you have a Presbyterian Church established in Scotland, and you have the same security with respect to the various dissenting bodies in England, which have all distinct and recognised heads to whom you can apply; but you have no such means of information in the case of the Roman Catholics. But then my hon. Friend the Member for North Warwickshire (Mr. Spooner) says, that in the oath taken by the Queen, the Roman Catholic religion is described as an "idolatrous fable and a dangerous deceit." Why, you may make an idolatrous use of anything. I have known many sailors who would not sail on a Friday. Is Friday an idolatrous day? For my part, I think it as harmless as any other day in the week. Some sailors are particularly anxious to sail on a Sunday. Is Sunday an idolatrous day? The truth is you may make an idolatrous use of what you please; and, after all, I very much fear that, if we were to come to close quarters, my hon. Friend would say that was idolatrous, which I believe to be the most holy rite exercised in Great Britain at the present moment, I mean the holy sacrifice presented on the Catholic altars. But there is no occasion to introduce theology into this question; and what I say is, that unless you can prove some misconduct on the part of Roman Catholic priests, of Presbyterian clergymen, and of all persons dissenting from the Church of England, you are bound, in the present state of society, having gone so far as you have gone in what you call toleration, to put them all on the same footing of equality, whether you agree with them or not.

Mr. ADDERLEY said, he fully concurred with the hon. Gentleman who had just sat down, in thinking that the State should act upon some simple, uniform, and intelligible principle in its dealings with the various religious denominations of the country; and it appeared to him that the State fully met that condition when it established one religion as the national religion, and gave all others complete toleration. In his opinion, the only object of an Established Church was, that the nation, on great public occasions, and in national institutions, should have a public and national organ of religion; and that in such establishments as prisons, when a chaplin was appointed, he should be a clergyman of the Established Church. If they were to maintain the connection between the Church and State, they should take care that the religious officers of all national institutions and establishments should be connected with the Established Church. In all cases the prisoners were asked on their entrance what religion they belonged to. The noble Lord (Viscount Palmerston) said they had a precedent for the present Vote at Millbank; that the precedent had been established by his predecessor; but there was no knowing what changes might not be introduced under the argument of precedent. If they were to have chaplains in their prisons, they certainly ought to be of the established religion, or they ought to have no chaplains at all.

Mr. CROSSLEY said, he rose in consequence of the remark made by the hon. Member for North Warwickshire, that if this Vote were passed in favour of the Roman Catholics, there ought to be a similar Vote in favour of Dissenters of all denominations; now he begged to observe that the Dissenters objected to the endowment of ministers of all persuasions, not excepting those to which they belonged. He altogether repudiated the word "toleration," for he believed that God had given to no one the power of tolerating his religion, and he could neither ask a favour nor receive one from a fellow-creature with regard to it.

Mr. HORSFALL said, he was as anxious to treat the Roman Catholic Members of that House with as much respect as the noble Lord (Viscount Palmerston) himself; but he trusted they would not be too sensitive, and that they would not take offence at the bare statement of facts by any hon. Member. The noble Lord said he was as good a Protestant as the hon. Member for North Warwickshire (Mr. Spooner); but there was this remarkable difference between the Protestantism of the noble Lord and that of his hon. Friend the Member for North Warwickshire, that whilst the noble Lord advocated what he himself believed to be error, the hon. Member at least advocated what he believed to be truth. Looking at the Vote they were called on to make, and to the consequences of it, he must say he could not be a party to doing in his public capacity what he would not do in his private capacity. They were told that the same rule ought to be applied to all sects; that would be undoubtedly true, as soon as they ceased to acknowledge a National Church; but so long as they upheld a National Church inculcating Protestant principles, let them not adopt the strange and startling inconsistency of paying those whose views were antagonistic to it; and who were bound, if they could, to overthrow that Church. That at least was an inconsistency to which he would not be a party, and, therefore, he should feel it his duty to vote against this grant. The sum, indeed, was a small one —only 550*l.*—and, therefore, he ran the risk, perhaps, of being charged with niggardliness. That, however, was not so, for if it were a Vote of 500,000*l.* for any other purpose than that of inculcating what he believed to be a religious error, he would cheerfully assent to carry it; but in its present shape he could not support it, as it involved a principle in violation of the Constitution of the country. He remembered when Sir Robert Peel proposed the additional grant to Maynooth, hon. Gentlemen who intended to vote against it were told that there was no principle in their doing so, as they had already voted for the smaller sum, and it was, therefore, evident that they only regarded the question in a financial point of view. Well, on the present occasion, he, at all events, was anxious to view the question before the Committee as one of principle, and not of finance; and he could not conceive how any hon. Gentleman who supported the Vote of to-night could hesitate, if Her Majesty's Ministers were to propose to-morrow the endowment of the Roman Catholic priesthood, to support that proposition also.

Mr. W. J. FOX said, that the Protestantism of the hon. Gentleman who had just sat down seemed to consist of a desire to allow no portion of the public money to go in support of any but his own Church. The hon. Gentleman seemed to forget that Protestantism originally was a protest against any man's authority over the conscience of another, and therefore that it implied fair and impartial dealing, equal rights and privileges, to all who chose to exercise their own judgment in religion. He confessed that his own Protestantism led him to regard all sects and Churches with impartiality. He thought it must be consolatory to the Nonconformists to find in this debate no serious mooting of any question as the payment of Nonconformist ministers for attending Christians of their denomination who were so unlucky as to get into gaol. It would almost seem, from what had passed in the course of this discussion, that whilst those who did not conform to the rites and observances of the Church of England were a very large majority of the population, more numerous, even, than both the Episcopal and Catholic Churches taken together, the criminality of the country was wholly divided between those two denominations. He would not, of course, assume that as a certainty, but he believed that, when it did so happen that persons belonging to the various Nonconformist denominations were entangled in temptation, and plunged into crime, there was a disposition always, so far as their ministers were allowed to do it, to attend them in their prisons, and to make every effort to recall them to penitence and to the paths of integrity and honesty. He should be surprised indeed if it were otherwise. That volume which all Christians agreed in reverencing was so full of precepts both to visit the prisoner and to reclaim the erring, that he held the ministers of every Church whatever who were deficient in that duty to be so far unworthy the name of Christian ministers, priests, clergymen, or by whatever appellation they might be called. He believed there would be in this country, if the matter were left entirely free, an ample disposition in the Churches of every name, character, and denomination, to provide for the religious instruction of those who had unhappily become tainted with criminality. He believed that Christian charity, as it existed in all Churches, would be sure to inspire zeal in this great work, which would be done all the more effectually from its being undertaken spontaneously, and without any view to remuneration. He believed that disposition existed not only in the various Protestant sects, but he must claim for the Roman Catholic Church the simple justice of acknowledging that her priests and her missionaries had ever been distinguished for the readiness with which they braved dangers and privations, and endured everything that humanity could in their devotion to the sacred functions of their calling, and in their attention to the poor and miserable prisoners, and even to the most abandoned. He thought the history of the Roman Catholic Church was replete with such noble examples, and therefore it was that he regretted to find the Roman Catholic Members of that House, instead of taking equal ground with the other Dissenters from the Established Church, rather striving as it were to compete with it, and to get a miserable pittance out of the public money which was devoted to ecclesiastical purposes. He coincided generally with the opinions which had been expressed by the hon. Member for Birmingham (Mr. Scholefield), and should certainly vote for the Motion of which he had given notice if the Committee came to divide upon it; but he could not agree with him as to the vote which he had announced his intention to give upon the Amendment of the hon. Member for North Warwickshire (Mr. Spooner). He for one felt himself pledged by his own principles to oppose every endeavour to bestow the public money for religious purposes; and he would feel, in so doing, that he was only dealing by the Roman Catholics as he would deal with the Protestant Dissenters or with any other denomination. In fact, he would as readily vote for the abolition of the whole of these grants of the public money for providing religious instruction to the inmates of gaols, as he would vote against any portion of that money falling to the Roman Catholics. Allusion had been made by the hon. Member for North Warwickshire (Mr. Newdegate) to the sort of extraordinary enthusiasm under which certain Roman Catholic criminals had met their fate, but cases of that sort could be easily matched in the records of Protestantism, from which it would be seen that criminals of the deepest dye had made such professions of repentance that they had been almost canonised as saints, aud had attracted enthusiasm and admiration on account of their miserable professions of conversion under the very shadow of the gibbet. He believed that without employing men under the direction of the State, the Church of England could find men better fitted for the task, and who would accomplish their work much more effectually, than was now done under official appointments, which, successful in a few cases, were lamentable failures in the great majority. Acting on the principles which he had laid down, he felt bound to vote with the hon. Member opposite (Mr. Spooner), and on the same grounds he should give his support to the Motion of the hon. Member for Birmingham.

MR. J. BALL said, the question before the Committee was simply this—whether, if from motives of public policy it was deemed desirable to retain the services of ministers of religion, they should have the means of subsistence given them or not. The Committee were now asked to vote against a payment on page 15 of the Votes, and to leave untouched payments for the same objects in pages 28 and 29. It was said that Dissenting congregations would not accept remuneration. Now, the Dissenters from the Establishment in Ireland did receive salaries as chaplains when their services were required in that capacity. If the State required their aid and their time, the State ought to pay them. In Spike Island the services of the Roman Catholic chaplains had been most valuable, and having established the principle in that case, it ought to be extended over the United Kingdom.

SIR JOHN PAKINGTON said, he was desirous that his vote should not be misunderstood. He must say the explanation offered by the noble Lord the Home Secretary was wholly insufficient to justify the placing the Vote at all upon the paper, but more especially in the shape in which it had been brought forward. The noble Lord failed to explain how the money was to be distributed, whether upon some fixed principle or otherwise. Another part of the noble Lord's explanation was very unsatisfactory to him, and he thought it must also have been so to the Roman Catholic Members of the House—he meant that part of it already adverted to by the hon. Member for Oldham (Mr. W. J. Fox), in which he seemed to assert that every rogue who got into gaol must be either a member of the Church of England or of the Church of Rome. They heard a good deal in that House of the large body of Dissenters throughout the country—of the Wesleyans, Baptists, Independents, and others; but the noble Lord seemed really to think that all these people were so very virtuous that there was no chance of any of them ever becoming inmates of a gaol, and therefore that there was no necessity to provide for their spiritual instruction. Now he wished to make the admission—to make it broadly and in a manner impossible to be misunderstood—that he held it to be necessary to provide for the spiritual instruction of all inmates of gaols; and he had already asserted that principle in the Juvenile Reformatory Act for the county of Middlesex. The provisions of that Bill, however, rested upon a very different basis from the grant now proposed. In providing spiritual instruction for the inmates of gaols, the noble Lord must proceed upon one of two principles, either he must appoint chaplains of the established religion of the country, and say "every unhappy person who becomes an inmate of a gaol becomes subject to the general law of the country," and be spiritually instructed by the chaplain; or else he must take the more tolerant course, saying, "although these unhappy people have entered here, I will do violence to no man's conscience, but will allow him to be instructed according to his peculiar religious opinions." He believed the latter to be the more generous, as it was the wiser course, and it was the course which he was prepared himself to adopt and recommend. But the plan of the noble Lord accomplished neither the one nor the other, for the Vote seemed to him to be founded upon no principle whatever—it had only the character and appearance of being dictated by the pressure of one particular denomination of Christians. He wished it, therefore, to be well understood that he objected, not to the amount proposed, but to the shape in which it was proposed. He agreed with an hon. Friend of his, that the Vote ought to have been a Vote for the spiritual instruction of those inmates of gaols not members of the Church of England. He objected to this money being voted for distribution amongst Roman Catholic chaplains only, because, in many of the gaols, none of the inmates might be of that religion, while many of them might belong to other dissenting bodies. Were the Vote brought forward in the shape suggested, he would have no objection whatever to it, provided the money was distributed fairly amongst all classes requiring aid. But he would most distinctly vote against the grant in its present shape, assuming it to be unwise, invidious, and bearing the appearance of providing for one class of Dissenters alone.

MR. HADFIELD said, he was one of those who repudiated State pay altogether. The hon. Member for Carlow (Mr. J. Ball) had remarked that the Dissenters in Ireland pursued a different course. It was a great grief to the Protestant Dissenters of England, that the public money should be touched by the Dissenters of Ireland. He deeply regretted that they should come to Parliament like common beggars, and apply for stipends to the disgrace of their own principles. He, as a Dissenter, required no assistance from the State, and, acting on that principle, he should vote against the proposed grant.

MR. LUCAS said, it was unfortunate that the noble Lord (Viscount Palmerston) had been placed by the facts of the case in such a position that he was sure to incur blame from somebody. The case was just this, that the noble Lord had done the only thing possible to be done. He had proposed a Vote for Catholic priests, because it appeared to be required. He had not proposed a Vote for Protestant Dissenters, because it did not appear to be required. The hon. Member for Oldham (Mr. W. J. Fox) had twitted the Catholic Members for making a demand of this kind. He said, why did the Catholics not imitate the Protestant Nonconformists, and go and visit such of the members of this communion as were unfortunate enough to get into prison, from pure Christian love and benevolence, and without pay? That was a beautiful theory. There was something romantic in it; but unhappily it was not borne out by experience. For example, he held in his hand a return which showed that at Dartmoor Prison there were 998 prisoners, 761 of whom were members of the Church of England. Among the prisoners, there were 88 Dissenters, who were not visited by any dissenting minister at all. The theory of the hon. Member was romantic, but the practice at Dartmoor did not seem to carry it out. On the other hand, the Roman Catholic clergyman at Dartmoor did the work without payment; it was not his theory that the servant was not worthy of his hire. But he did the work; and if the money was not forthcoming, he did the work without the money. Again, at Millbank, besides the prisoners belonging to the Church of England, there were 115 Presbyterians, 85 Dissenters of all classes, 292 Roman Catholics, and 4 Jews. The Jews sent an assistant rabbi to attend to the 4 members of their communion confined there; but the Nonconformists, who had this sublime theory of never taking State money, allowed their 200 prisoners to languish without any religious consolation whatever. That was really an answer to the question why the noble Lord proposed this Vote. The Catholics rendered the service, and they came to the noble Lord and asked him that they might have payment for the service which they rendered. The hon. Member for Oldham advised the Catholics not to take money, but to perform the service gratuitously. The truth was that the Catholics did perform the service, and that gratuitously; but the Nonconformists neither performed the service nor did they take the money. The hon. Member for North Warwickshire (Mr. Spooner) ought really, in common sense, to strike out of this Vote everything of which he did not approve. Did he approve of the Vote for Roman Catholic priests in Ireland? [MR. SPOONER: No, no!] Part of the sum which the hon. Member now proposed to the Committee to vote went to the payment of Catholic priests at Philip Town, Spike Island, Mountjoy Prison, Newgate Prison, and two or three other places. He (Mr. Lucas) was anxious that the hon. Member should not persevere in his Amendment without a full knowledge of the facts, and that they should have the benefit of so illustrious a convert with his eyes open. The hon. Gentleman was actually proposing a Vote by which he asked the Committee to pay 150*l.* a year to the Roman Catholic chaplain at Mountjoy Prison; and 150*l.* a year to the Roman Catholic chaplain at Newgate Prison; and 200*l.* a year to the Roman Catholic chaplain, and 100*l.* a year to an assistant Roman Catholic chaplain, at Spike Island. If we had the blessing of a national Church Establishment, nothing would be paid except to those who professed the Roman Catholic faith. If that was so, they could not pay Presbyterians. The hon. Member must strike out the sums for Presbyterian chaplains. He must not violate the sacred principle of an established religion—he must not contaminate the national faith. In Scotland the Presbyterians was the established religion—but in Ireland the Presbyterians were Dissenters, and therefore they must be excluded from the Vote, if the Nonconformist Members really believed the principles which they professed, and on which they asked the Committee to deprive the Catholics of the benefit of this very meagre vote. There was another point. Already, with respect to the reformation of criminals, a Committee upstairs were considering the example furnished by Mettrai and other kindred institutions, because they said that an effect was produced in those establishments which they wished to produce in the reformatory prisons in this country. In fact, we founded institutions on the basis of those establishments, and then paid public money to carry out a faint shadow of the example so set, and yet there were those who professed to believe that Roman Catholic priests could not produce that effect on the minds of those submitted to them, which was ascertained by Committees upstairs to have been produced whenever the experiment had been tried. This was partly a question of justice; but it was not so much a question of justice as it was of common sense. They professed to believe that religious training was necessary to the reform of the criminal, and the question was whether they would adopt the means which they professed to believe necessary. Professing as they did on other occasions that these means were necessary, hon. Gentlemen who desired that the Vote now in question should be struck out of the Estimates declared that they would not have the means, and they did so upon the inconsistent ground which he had pointed out, and which he was persuaded the hon. Member for North Warwickshire (Mr. Spooner) would reform before the voting on the coming division.

MR. MILES said, he could not suffer the observations of the hon. Member for Meath to pass without some little notice. The hon. Member seemed to have mystified, as was usual with him, the object of religious instruction. He (Mr. Miles) quite agreed with the hon. Gentleman that in this Vote was included the prisons in Ireland who have Roman Catholic and Presbyterian chaplains. But they were now discussing a perfectly new Vote, applicable entirely to England. ["Hear, hear!"] He should be glad to hear what was the special service for which this 550*l.* a year was to be paid. He was sure that the noble Lord the Home Secretary did not state exactly his ideas upon the subject. He, however, understood the noble Lord to say that this Vote was for England. Therefore, as a Protestant country, professing Protestant principles, they were asked to legitimatise Roman Catholic chaplains in gaols. This, though a small Vote, carried with it a great principle—namely, the toleration of the Roman Catholic religion in our public establishments. He wished to know how the noble Lord intended to carry out his proposition. The noble Lord did not explain whether this Vole was to be entirely for convict establishments. He wanted to know, with the present means of information, how the noble Lord proposed to place the Catholic chaplain in communication with the Scripture reader, for the Scripture reader, he took it, went through every denomination of prisoners for the purpose of reading the Scriptures to them? This was truly a Protestant question. If the vote upon the Middlesex Reformatory Schools was looked upon as such, this vote would be looked upon doubly as such. He hoped and trusted that not only the ordinary Members of the Established Church, but also the Dissenters, would cordially unite in opposing this Vote.

MR. MIALL said, that the hon. Member for Meath (Mr. Lucas) had done great injustice to the position taken up by his hon. Friend the Member for Oldham (Mr. W. J. Fox). The hon. Member for Oldham put the argument thus—that if you were to throw the care of the prisoners upon the spontaneous liberality and Christian charity of Churches in general, the liberality and charity of every Church—not merely of Nonconformists, for he gave full credit for similar liberality and charity to the Roman Catholic Church—would furnish the instructions and ministrations which were needed. He (Mr. Miall) hoped that the hon. Member for Meath did not intend to imply that Nonconformists were alone wanting in this charity and liberality, and he would remind him as a reason which might account for the non-attendance of Nonconformist ministers in the cases to which he referred, that a minister other than the chaplain of the gaol only attended prisoners upon their making a special request that he should do so.

Mr. SPOONER said, it was only justice to allow him to offer some explanation in reply to the observations of the hon. Member for Meath. He would first refer to the noble Lord (Viscount Palmerston) who accused him of using hard words. He (Mr. Spooner) could only say that the only hard words he used were those contained in these Articles to which the noble Lord must have signed his full, complete, and cordial assent. With regard to the hon. Member for Meath, he (Mr. Spooner) was perfectly aware that there were other Votes besides this one of 550*l.* included in the present proposition. His hon. Friend (Mr. Miles) having fully answered that point, he (Mr. Spooner) would not think it necessary to add anything more. This was a new Vote—a Vote for England. Hitherto the Vote upon this subject was confined to Ireland. Much as he disapproved of that Vote for Ireland, he thought it a great deal better to get at more tangible ground, and to say, "You shall go no further, for it is not because you have been allowed to do a wrong already that you shall be permitted to extend it." He had only simply to state that he did not agree with much that had been said even by those who were about to vote in favour of his Amendment. His simple object in opposing this Vote was to raise the Protestant voice in that House against the proposition of the noble Lord. He believed that for Parliament to give its sanction to the propagation of the Catholic religion would be a national sin. [*Ironical cheers from the Irish Members.*] Hon. Gentlemen might laugh if they pleased, but this was his honest opinion—an opinion which he had always professed since he had had the honour of a seat in that House, and an opinion which he meant to carry out so long as he was permitted to sit in that House.

The Committee *divided*:—Ayes 158; Noes 136: Majority 22.

List of the AYES.

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Alexander, J.
Anderson, Sir J.
Archdall, Capt. M.
Bailey, Sir J.
Bailey, C.
Baldock, E. H.
Bankes, rt. hon. G.
Barnes, T.
Barrow, W. H.
Bateson, T.
Beckett, W.
Bell, J.
Bennet, P.
Bentinck, G. W. P.
Beresford, rt. hon. W.
Berkeley, hon. C. F.
Bernard, Visct.

Mr. Miall

Blair, Col.
Booker, T. W.
Brocklehurst, J.
Brooke, Sir A. B.
Buck, L. W.
Burrell, Sir C. M.
Burroughes, H. N.
Butt, G. M.
Campbell, Sir A. I.
Cecil, Lord R.
Challis, Mr. Ald.
Chambers, M.
Chambers, T.
Cheetham, J.
Chelsea, Visct.
Child, S.
Cobbold, J. C.
Collier, R. P.
Craufurd, E. H. J.
Crossley, F.
Dalkeith, Earl of
Dalrymple, Visct.
Davie, Sir H. R. F.
Davies, D. A. S.
Deedes, W.
Disraeli, rt. hon. B.
Dod, J. W.
Duncan, G.
Dundas, G.
Dunlop, A. M.
Du Pre, C. G.
Ellice, E.
Evelyn, W. J.
Ewart, W.
Farrer, J.
Fellowes, E.
Fergus, J.
Ferguson, J.
Floyer, J.
Forbes, W.
Fox, W. J.
Frewen, C. H.
Galway, Visct.
George, J.
Gilpin, Col.
Goddard, A. L.
Greenall, G.
Grogan, E.
Gwyn, H.
Hadfield, G.
Hardinge, hon. C. S.
Hastie, A.
Henley, rt. hon. J. W.
Hildyard, R. C.
Horsfall, T. B.
Hudson, G.
Hume, W. F.
Jones, D.
Keating, H. S.
Kendall, N.
Kerrison, Sir E. C.
Kershaw, J.
King, J. K.
Kinnaird, hon. A. F.
Knatchbull, W. F.
Knightley, R.
Knox, Col.
Laing, S.
Langton, W. G.
Langton, H. G.
Lascelles, hon. E.
Lee, W.
Lennox, Lord A. F.
Liddell, H. G.
Lockhart, W.
Loveden, P.
Lowther, hon. Col.
Mackie, J.
MacGregor, Jas.
MacGregor, John
M'Taggart, Sir J.
Malins, R.
Mandeville, Visct.
Miall, E.
Miles, W.
Milligan, R.
Mills, T.
Michell, W.
Montgomery, Sir G.
Moody, C. A.
Morris, D.
Mowbray, J. R.
Mullings, J. R.
Mundy, W.
Murrough, J. P.
Noel, hon. G. J.
North, Col.
Ossulston, Lord
Packe, C. W.
Paget, Lord G.
Pakington, rt. hn. Sir J.
Palk, L.
Pellatt, A.
Percy, hon. J. W.
Portal, M.
Repton, G. W. J.
Robertson, P. F.
Rolt, P.
Rushout, Col.
Sandars, G.
Sawle, C. B. G.
Scobell, Capt.
Smijth, Sir W.
Smith, W. M.
Smith, A.
Smollett, A.
Stafford, A.
Stanhope, J. B.
Stirling, W.
Taylor, Col.
Thesiger, Sir F.
Tollemache, J.
Tomline, G.
Tudway, R. C.
Vance, J.
Vane, Lord A.
Vyvyan, Sir R. R.
Walcott, Adm.
Walpole, rt. hon. S. H.
West, F. R.
Whiteside, J.
Whitmore, H.
Wickham, H. W.
Wigram, L. T.
Wise, A.
Woodd, B. T.
Wortley, rt. hon. J. S.
Wyndham, Gen.
Wynn, Major H. W. W.
Wynne, W. W. E.

TELLERS.

Spooner, R.
Newdegate, C. N.

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Baines, rt. hon. M. T.
Ball, J.
Bass, M. T.
Beamish, F. B.
Bethell, Sir R.
Biggs, W.
Bland, L. H.
Bonham-Carter, J.
Bowyer, G.
Boyle, hon. Col.
Bramston, T. W.
Brockman, E. D.
Brotherton, J.
Bruce, Lord E.
Bruce, H. A.
Bulkeley, Sir R. B. W.
Cardwell, rt. hon. E.
Cavendish, hon. G.
Cayley, E. S.
Cocks, T. S.
Cogan, W. H. F.
Colvile, C. R.
Corbally, M. E.
Cowper, hon. W. F.
Dashwood, Sir G. H.
Denison, J. E.
Dent, J. D.
Drumlanrig, Visct.
Duff, G. S.
Duff, J.
Dunne, Col.
Elcho, Lord
Esmonde, J.
FitzGerald, Sir J.
Fitzgerald, J. D.
Fitzgerald, W. R. S.
Fitzroy, hon. H.
Forster, J.
Fortescue, C. S.
Fox, R. M.
French, F.
Geach, C.
Gladstone, rt. hon. W.
Glyn, G. C.
Goodman, Sir G.
Goold, W.
Graham, rt. hon. Sir J.
Greene, J.
Gregson, S.
Grenfell, C. W.
Greville, Col. F.
Grosvenor, Lord R.
Hankey, T.
Hanmer, Sir J.
Henchy, D. O.
Heneage, H. W.
Herbert, H. A.
Herbert, rt. hon. S.
Hervey, Lord A.
Heywood, J.
Higgins, G. G. O.
Howard, hon. C. W. G.
Howard, Lord E.
Hughes, W. B.
Ingham, R.
Johnstone, Sir J.
Keating, R.
Keogh, W.
Kirk, W.
Lacon, Sir E.
Layard, A. H.
Locke, J.
Lowe, R.
Lucas, F.
M'Mahon, P.
Maguire, J. F.
Marjoribanks, D. C.
Massey, W. N.
Moffatt, G.
Molesworth, rt. hn. Sir W.
Monck, Visct.
Monsell, W.
Mulgrave, Earl of
Mure, Col.
Oakes, J. H. P.
O'Brien, Sir T.
O'Connell, D.
O'Connell, J.
O'Flaherty, A.
Osborne, R.
Paget, Lord A.
Palmer, Round.
Palmerston, Visct.
Pechell, Sir G. B.
Peel, F.
Perry, Sir T. E.
Philipps, J. H.
Phillimore, J. G.
Phillimore, R. J.
Phinn, T.
Pilkington, J.
Pinney, W.
Pollard-Urquhart, W.
Portman, hon. W. H. B.
Price, W. P.
Ricardo, O.
Rice, E. R.
Sadleir, Jas.
Sadleir, John
Scholefield, W.
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Seymer, H. K.
Seymour, W. D.
Shafto, R. D.
Shee, W.
Sheridan, R. B.
Smith, J. A.
Strutt, rt. hon. E.
Sutton, J. H. M.
Swift, R.
Talbot, C. R. M.
Tancred, H. W.
Thicknesse, R. A.
Thornely, T.
Thornhill, W. P.
Walmsley, Sir J.
Whitbread, S.
Wilkinson, W. A.
Williams, W.
Wilson, J.
Winnington, Sir T. E.
Wood, rt. hon. Sir C.
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TELLERS.
Hayter, rt. hon. W. G.
Berkeley, C. G.

Vote *agreed to.*

House resumed.

House adjourned at Two o'clock.

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TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME CXXXIII.

BEING THE FOURTH VOLUME OF SESSION 1854.

EXPLANATION OF THE ABBREVIATIONS.

1*R.* 2*R.* 3*R.* First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.*, Committee.—*Re-Com.*, Re-committal.—*Rep.*, Report.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons.—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—1*st Div.*, 2*nd Div.* First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

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Erratum.—In Protest, in page 999, line 6 from bottom, for the word "instant," read "instance."

Woodfall and Kinder, Printers, Angel Court, Skinner Street, London.

UL 21 NOV 1980